

NEBRASKA LEGISLATURE

LEGISLATOR'S GUIDE 2009



INTRODUCTION

November 2008

Dear Senator-elect:

Congratulations and welcome to the Nebraska Legislature.

The Nebraska Legislator's Guide is designed to provide you, as a new senator, with a concise source of information about the **Nebraska Legislature**, its organization and services available to you.


In gathering this information, each of the legislative division heads was contacted to contribute information about his or her area. We wish to acknowledge and thank those people whose cooperation and thoughtful contributions made the **Legislator's Guide** possible.

While you may already be acquainted with much of the information included in the guide, it is our desire that it will provide a handy reference tool of basic information to help make your first days and weeks in the **Legislature** a little easier.

I hope that you find these materials useful and that you will not hesitate to contact me or other legislative staff if you have any questions.

I look forward to working with you in the coming months.

Sincerely,



Patrick J. O'Donnell
Clerk of the Legislature

TABLE OF CONTENTS

History.....	4
Membership.....	5 — 6
Legislative District Maps.....	7
Legislative Sessions.....	8 — 9
Legislative Process.....	10 — 13
Standing Committees.....	14 — 27
Legislative Divisions and Staff.....	28
<i>Organizational Chart</i>	29
<i>Accounting and Budget Office</i>	30 — 31
<i>Bill Drafter and Revisor of Statutes</i>	32 — 35
<i>Clerk of the Legislature</i>	36 — 45
<i>Legislative Fiscal Office</i>	46 — 51
<i>Public Counsel (Ombudsman)</i>	52 — 54
<i>Legislative Audit and Research Division</i>	55 — 59
<i>Coordinator of Legislative Services</i>	60
Senators' Pay and Benefits.....	61 — 63
<i>Session Expense Reimbursement Policy</i>	64 — 67
<i>Guidelines for Legislative Expense Verification Process</i>	68
<i>Interim Expense Reimbursement</i>	69
Senators' Staff.....	70 — 71
<i>Legislative Classification and Pay Plan/Personnel Policies</i>	72
Accountability and Disclosure.....	73 — 75
Attorney General Opinions.....	76
Miscellaneous (with index).....	77 — 96
External Relationships.....	97 — 100
Glossary of Legislative Terms.....	101 — 104
Technology Services.....	105 — 107
Public Information.....	108 — 110

HISTORY

As you already know, you are a member of a unique group.

You have been elected to the only one-house, nonpartisan Legislature in the nation.

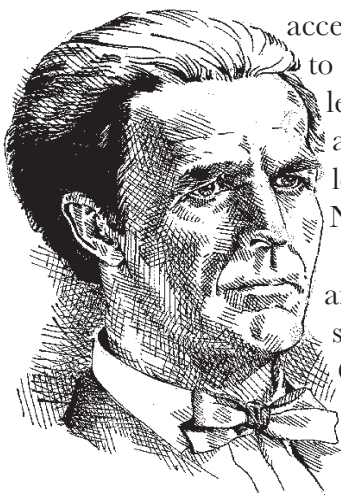
The other 49 states have two-chamber legislatures organized along political party lines, as Nebraska once did.

From the days when Nebraska was a territory until 1937, the state had a two-house Legislature, modeled after the U.S. Congress and the British Parliament.

Proposals to change from the bicameral to a unicameral legislature failed numerous times between 1913 and 1933. But in 1934, voters

accepted an amendment to establish a unicameral legislature proposed by a committee under the leadership of John N. Norton.

For years, Norton and a United States senator from Nebraska, George Norris, had been advocating the merits of a one-house, nonpartisan legislature. The two-house system, Norris ar-



John N. Norton

gued, was outdated and unnecessary. He saw it as

a custom based on the British class system, which he believed had no place in a democratic society.

Norris and supporters of the unicameral system also criticized another feature of the two-house legislature known as the conference committee. This committee consists of a group of senators and representatives meeting in closed session to work out differences in similar bills passed by both houses. Norris said the conference committee was contrary to democratic government and led to private negotiation and compromise.

Aside from philosophical issues, Nebraskans also saw that paring down the legislative branch of government would save the state money, an important consideration during the Depression years.

In the face of much editorial opposition, a majority of voters in 84 of the state's 93 counties approved the unicameral amendment in 1934, thus embarking upon what was called a "great experiment" in government.



George Norris

MEMBERSHIP

Nebraska's first Unicameral Legislature met in January 1937.

At that time, there were 43 members. Today, the Nebraska Legislature consists of 49 members, and about 34,924 people live in each of the state's 49 districts. The existing district boundaries were redrawn in 2001 to conform to updated census figures.

As you know, you and your colleagues serve four-year terms and are elected from "single-member" districts, which means that only one legislator represents each district.

No more than half of the Legislature's membership stands for election or reelection during any given election year. That is because people from odd-numbered districts do not seek election at the same time as those from even-numbered districts.

Terms of Taking Office

Article III, Sec. 7

Legislators; terms; effect of redistricting; election; salary; expenses; mileage.

At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that

he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Article III, Sec. 8

Legislators; qualifications; one-year residence in district; removal from district, effect.

No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he is elected, or on the date of his appointment he is a registered voter, has attained the age of twenty-one years and has resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States or of this State. And no person elected as aforesaid shall hold his office after he shall have removed from such district.

Article III, Sec. 9

Legislators; disqualifications; election to other office; resignation required.

No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible

to or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void. Except as otherwise provided by law, a member of the Legislature who is elected to any other state or local office prior to the end of his or her term in the Legislature shall resign from the Legislature prior to the commencement of the legislative session during which the term of the state or local office will begin.

Article III, Sec. 12
Legislators; terms; limitation.

- (1) No person shall be eligible to serve as a member of the Legislature for four years next after the expiration of two consecutive terms regardless of the district represented.
- (2) Service prior to January 1, 2001, as a member of the Legislature shall not be counted for the purpose of calculating consecutive terms in subsection (1) of this section.
- (3) For the purpose of this section, service in office for more than one-half of a term shall be deemed service for a term.

Qualifications

In order to serve as a member of the Nebraska Legislature, a person:

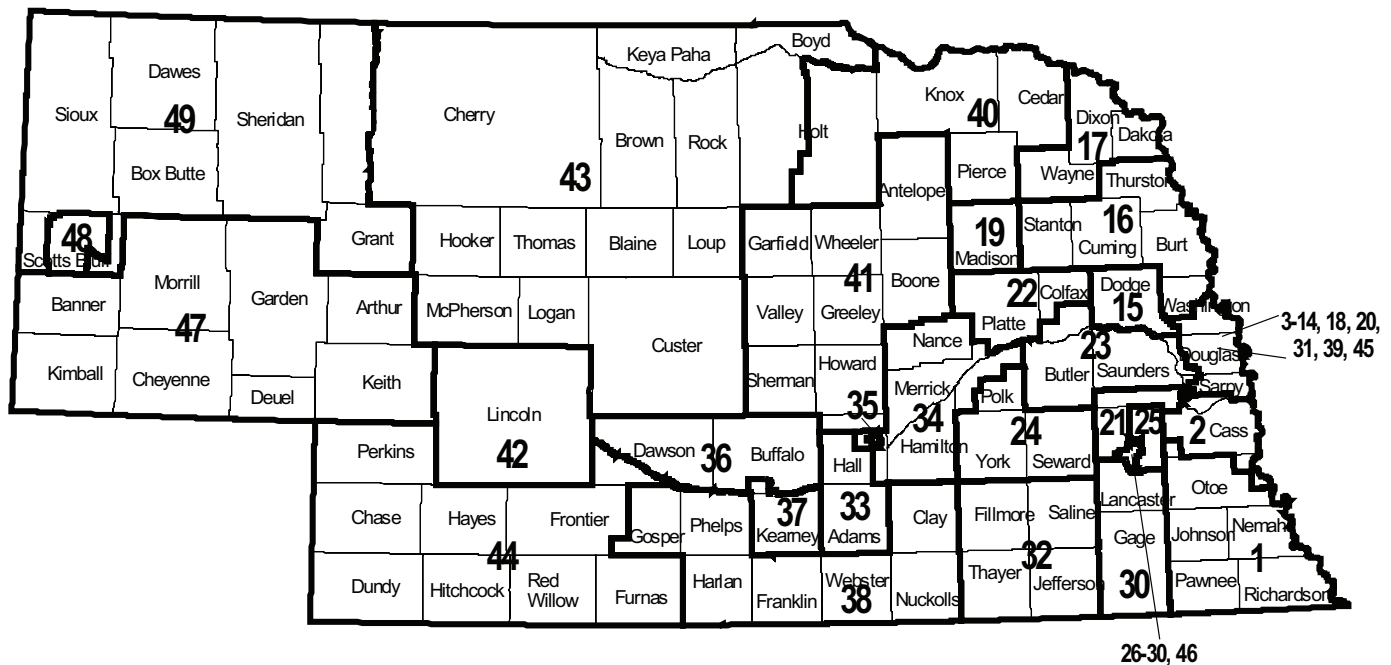
1. Must be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.
2. Must be 21 years old on the date of the general election at which he or she is elected.
3. Must reside in the district from which he or she is elected.
4. Must be a registered voter.
5. Must not hold another office under the authority of the United States, or any lucrative office under the authority of the state; must not receive any civil appointment to a state office while a member of the Legislature or while the Legislature is in session.

Vacancies

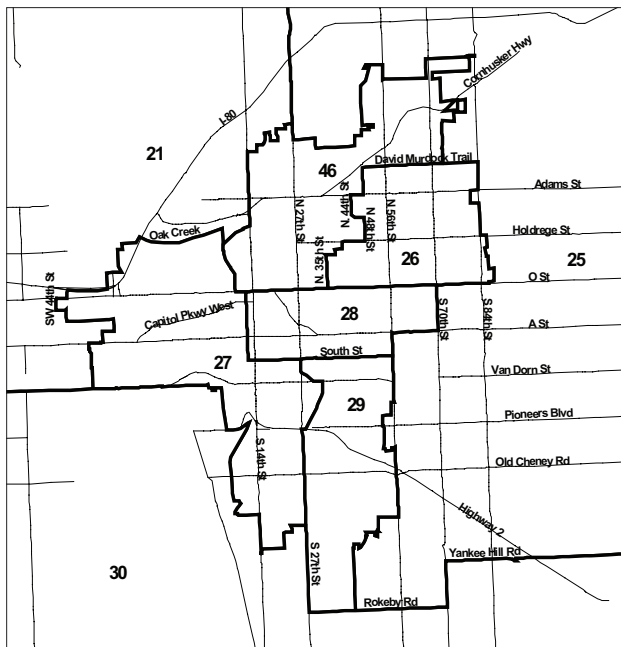
According to the Nebraska State Constitution, the governor has the power to fill a vacancy in the Legislature by appointing a person meeting the necessary qualifications. The election requirements for an appointee are stipulated in state statutes.

LEGISLATIVE DISTRICT MAPS

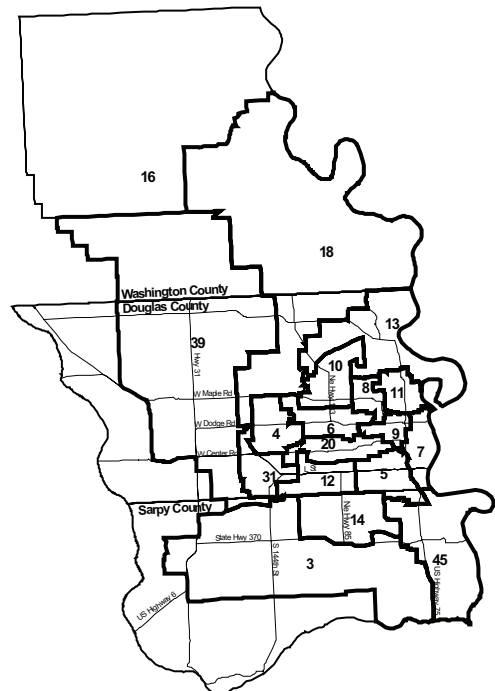
Nebraska



Lincoln



Omaha



LEGISLATIVE SESSIONS

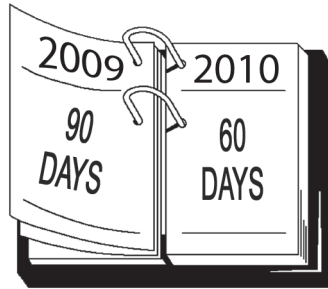
(Refer to State Constitution, Article III, Section 10.)

Until 1971, the Legislature met every other year. Then a constitutional amendment was adopted that requires you and your colleagues to meet annually.

Regular sessions of the Legislature begin at 10 a.m. on the first Wednesday after the first Monday in January of each year. In 2009, the Legislature will convene January 7.

The upcoming session, your first session, will be called the first session of the 101st Legislature. The second session of the 101st Legislature will begin in 2010. At the beginning of odd-numbered years, you and your colleagues elect the speaker and committee chairpersons.

In odd-numbered years, the Legislature meets for 90 working days; in even-numbered years, it meets for 60 working days. This usually means that during a “long” session, lawmakers adjourn for the year sometime in early June, while during “short” sessions they adjourn sometime during mid-April. The schedule, however, is determined by the Speaker of the Legislature. The length of a session cannot exceed either 60 or 90 days unless it is extended by a vote of four-fifths of all members (40).



Presiding Officer/Lieutenant Governor

The lieutenant governor is the Legislature's presiding officer, but votes only when the Legislature is equally divided.

The Legislature determines the rules of its proceedings and is the judge of the election,

returns and qualifications of its members. It also chooses its officers, including a speaker, to preside when the lieutenant governor is absent.

Special Sessions

Between regular sessions, the governor may call the Legislature into a special session, or the Legislature may require the governor to call a special session, at the request of two-thirds of its members (33). Senators may consider only those matters specifically mentioned in “the call” for a special session.

Expulsion of Members

No member can be expelled except by a vote of two-thirds of all members (33) elected to the Legislature and no member shall be twice expelled for the same offense.

Legislative Officers

The legislative branch includes three officers: Clerk of the Legislature, Assistant Clerk of the Legislature and Sergeant at Arms. All of these officers are nominated by the Legislature's Executive Board and elected by the Legislature to serve two-year terms. The Executive Board also appoints people to fill the positions of Legislative Fiscal Analyst, Director of Research, Legislative Auditor and Revisor of Statutes. The Office of Public Counsel (Ombudsman) is appointed by a two-thirds (33 members) vote of the Legislature from nominations submitted by the Executive Board. These people serve at the pleasure of the Executive Board, which supervises all services and employees of the Legislature.

Legislative Rules

The Legislature adopts its permanent rules annually. Proposed changes to the rules are submitted to the Legislature's six-member Rules Committee, one of the Legislature's four select

committees. After permanent rules are adopted, a three-fifths (30) vote of the body is required to amend the rules. Legislative rules also can be suspended by a three-fifths vote.

Questions about parliamentary procedure during session should be directed to the presiding officer of the Legislature or to the Clerk. The Clerk of the Legislature serves as chief parliamentarian to advise the Legislature on questions about the rules and parliamentary procedure.

Quorum/Attendance/Excused Absences

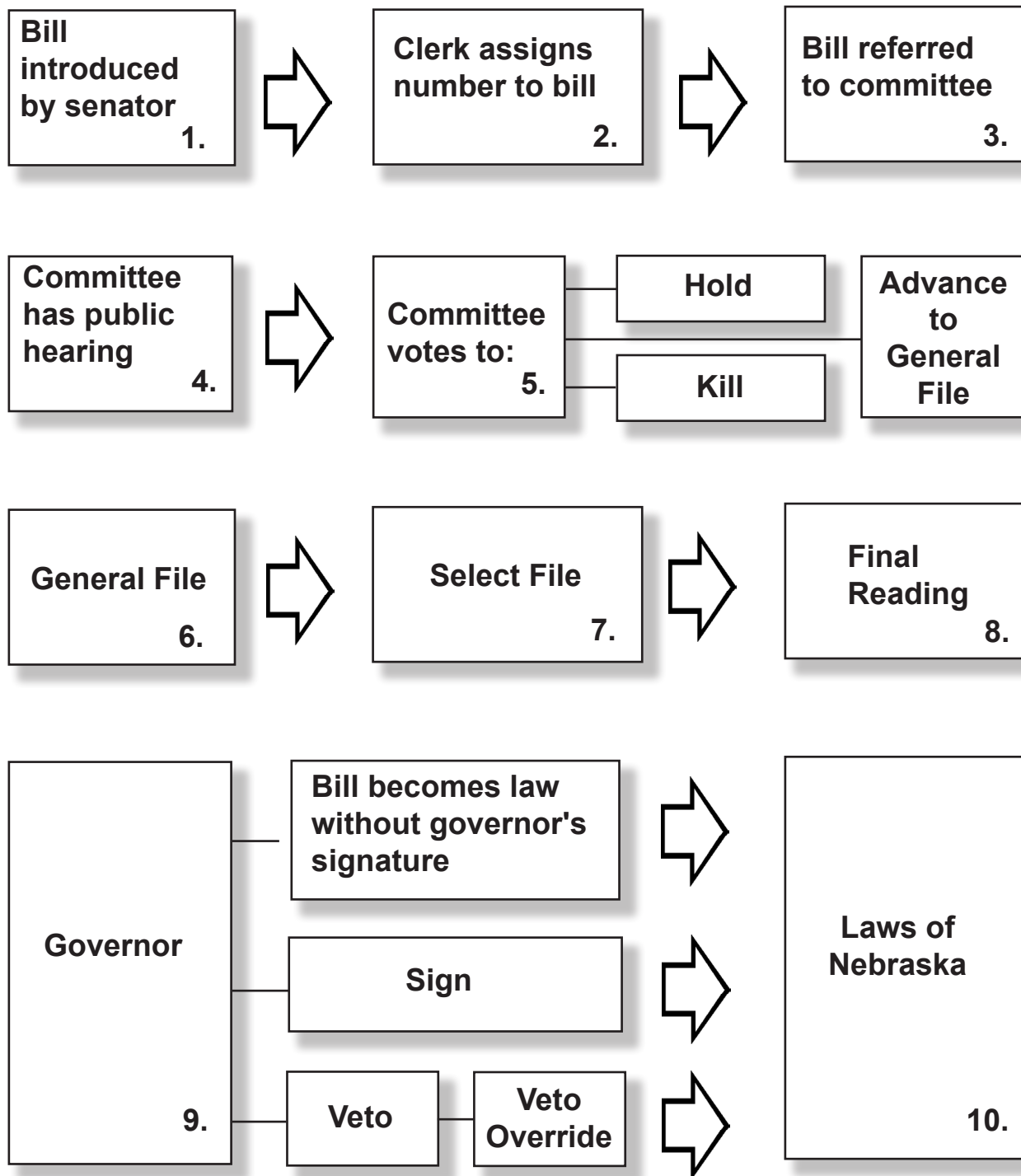
A majority of members (25) constitutes a quorum. Your attendance during the meetings of the Legislature and regular meetings of the standing committees on which you serve is required unless excused by the Legislature, the speaker or the committee chairperson.

If you want to record an excused absence, your staff should call 471-2303 (Journal Clerks' Office) before session convenes. Your staff should indicate whether you should be excused until you arrive or for the day. If the session has convened, have your staff call 844 (Journal Clerks' intercom phone in the chamber). If the Legislature is under call, you cannot be excused.

Call of the House

By legislative rule, you or any of your colleagues may request a "call of the house." That means that each of you must indicate your presence on the voting board and remain seated during the call. At the time a motion is made for a "call of the house," the presiding officer orders the voting board to be cleared so that a vote may be taken.

LEGISLATIVE PROCESS



The lawmaking process in Nebraska officially begins when you or your colleagues introduce a bill into the Legislature.

However, the process actually begins much earlier — when you first begin to formulate ideas for new laws. An idea for a new law may be suggested by anyone: concerned citizens, special interest groups, state agencies or the governor. The idea must be introduced by a senator to be formally considered by the Legislature.

Committees debate and propose amendments to bills, and the full Legislature has an opportunity to debate each bill at least two times before its final passage. You or your fellow senators may propose amendments to alter the bill at each stage of debate.

Here are the steps a bill must take before becoming a Nebraska state law.

First, you and your staff research a problem and study possible legislative remedies. As you already know, you may introduce a bill to create a new law, or to repeal or change an existing law.

Much of the research is done during the period between sessions called the interim. During this time, legislative committees study a variety of issues which have been outlined in interim study resolutions introduced by the Legislature during the previous session.

Drafting

You take your idea for a new law to a bill drafter, who works with you to transform the idea into the proper legal form for a bill. Unlike some states, Nebraska requires that introduced bills contain only one subject.

Introduction

Legislative rules require that most bills be introduced during the first 10 legislative days of the session. Certain exceptions apply, however. For example, appropriations bills or bills introduced

on behalf of the governor may be introduced after the first 10 days of the session.

In order to introduce a bill, you must file it with the Clerk of the Legislature. The Clerk reads the title of the bill into the record, as required by the state constitution, assigns it a number and prints copies of it for public and legislative use.

Fiscal Note

The Legislative Fiscal Office prepares budget statements known as fiscal notes for each bill introduced. They contain three estimates of the monetary impact each bill would have if it became law. The three budget estimates are prepared by the Fiscal Office staff, the Governor's Budget Office and the appropriate state agency or local government entity.

Public Hearing

The Reference Committee, which consists of the nine members of the Executive Board, decides whether bills will be referred to General File, or to one of the 14 standing committees. The Clerk of the Legislature prints a bill after it has been referred to a committee. With the exception of a few technical bills, most bills introduced into the Legislature must receive a public hearing by a legislative committee. Adequate public notice — defined by legislative rule — must be given before a public hearing is held.

General File

General File is the first time the full Legislature has the opportunity to debate and vote on bills. At this stage, you and your colleagues consider amendments, which may be proposed both by committees and by individual senators. Many people consider General File to be the most crucial stage of the legislative process, because it is where most compromises are worked out through debate and amendment.

On General File, the Clerk of the Legislature reads the number and title of a bill and the name of the principal introducer as it comes up for consideration at this first stage of debate. Standing committee amendments are considered first. The introducer's amendments, if any, are considered next, after which the introducer may move to advance the bill and explain the legislation. Any other amendments or motions are considered next.

Bills are listed and considered on General File in the order in which they are reported from the standing committees, unless the speaker changes that order.

As with most legislative business, it takes a majority vote of the Legislature (25 votes) to adopt amendments, and to move a bill from General File to the next stage of consideration.

Enrollment and Review

Commonly referred to as "E & R," enrollment and review is a process by which previously adopted amendments are incorporated into a bill, and the entire bill is checked for technical and grammatical accuracy.



Select File

Select File is the second debating and voting stage. This step allows another opportunity for amendment, compromise and reflection. Bills on Select File may be indefinitely postponed or advanced to the next stage.

After Select File, bills are sent to E & R again to be rechecked. Bills then are reprinted for Final Reading.

Final Reading

The Nebraska Constitution requires that before final passage all bills must be read aloud in their entirety by the Clerk of the Legislature. The Legislature may waive the final reading with a three-fifths vote. During this time, you must remain in your seat and staff is prohibited from being on the floor.

You may not amend or debate a bill on Final Reading, but you may move to return it to Select File for a specific amendment. Bills may not be voted on for final passage until at least five legislative days after the bill is introduced, and two legislative days after it is placed on Final Reading.

Governor

After the Legislature passes a bill on Final Reading, it goes to the governor for consideration. The governor has five days, excluding Sundays, to decide what to do with a bill.

If the governor signs a bill, or declines to act on it, the bill becomes a state law. If the governor vetoes it, the bill is returned to the Legislature with objections.

The governor also has the right to disapprove or make specific reductions of figures on state budget bills. These reductions are known as line-item vetoes.

A vote of three-fifths (30 members) of the Legislature will override a governor's veto or line-item veto.

Effective Date

Most bills passed and approved by the governor become law three calendar months after the Legislature adjourns sine die. However, bills may take effect before that date if they contain the emergency clause or an operative date. It takes a vote of two-thirds (33 members) of the Legisla-

ture to pass a bill with the emergency clause. If a bill is passed with the emergency clause, the bill takes effect the day after the governor signs the measure, or on the sixth day after passage if the governor does not take action on it.

STANDING COMMITTEES

Legislative Committee Structure

The hub of the legislative process is the standing committee system. As noted earlier, most bills are referred to one of the 14 standing committees where they are given public hearings. The committee members then determine whether to indefinitely postpone (kill) the bill or advance it to General File, with or without amendments, for full floor consideration.

Every two years, on the first day of each new legislature, the chairpersons of the various standing committees are elected by secret ballot. In addition to personal staff, most committee chairs are entitled to hire a committee clerk and a legal counsel or research analyst to perform the work of the committee. These committee staff members work for the chair but are available to committee members and others interested in aspects of issues that come before a committee for its consideration. The job descriptions for these positions are as follows:

Committee Clerk

A committee clerk works under the general supervision of the committee chairperson and performs work involving clerking for a standing committee, secretarial services, administrative services, public relations, office management and other committee work as required. A committee clerk position is classified as a “pay grade D or E (senior)” position.

Legal Counsel

A legal counsel works under the limited supervision of a committee chairperson. He or she performs and prepares legal research, bill and amendment drafting and analysis of legislation; coordinates committee activities; responds to inquiries concerning issues in assigned subject areas; and performs other

related work as required. A legal counsel position is classified as a “pay grade J or K (senior)” position.

Research Analyst

A research analyst works under the limited supervision of a committee chairperson. He or she performs and prepares qualitative and quantitative research, bill and amendment drafting and analysis of legislation; coordinates committee activities; responds to inquiries concerning issues in assigned subject areas; and performs other related work as required. A research analyst position is classified as a “pay grade G, H, or J” position.

Committee Selection Process

Members of these standing committees are chosen at the opening of each new Legislature, which begins and is organized in January of each odd-numbered year. A Legislature has a life of two years. The session that convenes in January of odd-numbered years is called the “first session” and the session that convenes in even-numbered years is called the “second session.” Senators chosen to serve on the various standing committees serve on those committees through both sessions.

Subject to approval by the full Legislature, the Committee on Committees nominates senators to serve on all standing committees. Nine of these committees have eight members, although the Appropriations Committee has nine members. Most senators serve on two standing committees depending upon the committees assigned. Senators placed on the Appropriations Committee serve only on that standing committee, which meets daily.

On the opening day of each new Legislature, standing committee chairpersons are elected by a majority vote of secret ballots cast by all members.

NEBRASKA LEGISLATURE

Legislator's Guide

The Nebraska Legislature's 14 standing committees meet on regularly scheduled days, but committee hearings may be held on different days to accommodate testifiers.

2009 STANDING COMMITTEE MEMBERSHIP AND MEETING DATES						
<u>Committee</u>	101st Legislature <u>Members</u>		<u>Meeting Dates</u>			
Agriculture	8		T			
Appropriations	9	M	T	W	Th	F
Banking, Commerce & Insurance	8	M	T			
Business & Labor	7	M				
Education	8	M	T			
General Affairs	8	M				
Government, Military & Veterans Affairs	8			W	Th	F
Health & Human Services	7			W	Th	F
Judiciary	8			W	Th	F
Natural Resources	8			W	Th	F
Nebraska Retirement Systems	6	at the call of the chairperson				
Revenue	8			W	Th	F
Transportation and Telecommunication	8	M	T			
Urban Affairs	7		T			

There are two types of committees other than standing committees.

First, there are four select committees:

- Committee on Committees
- Enrollment and Review
- Reference
- Rules

Secondly, there are seven special committees:

- Executive Board of the Legislative Council (50-401.01)
- Building Maintenance (81-185)
- Education Commission of the States (79-1504)
- Intergovernmental Cooperation (81-816)
- Legislative Performance Audit (50-1204)
- Midwestern Higher Education Compact Commission (85-1302)
- State-Tribal Relations Committee (50-445)

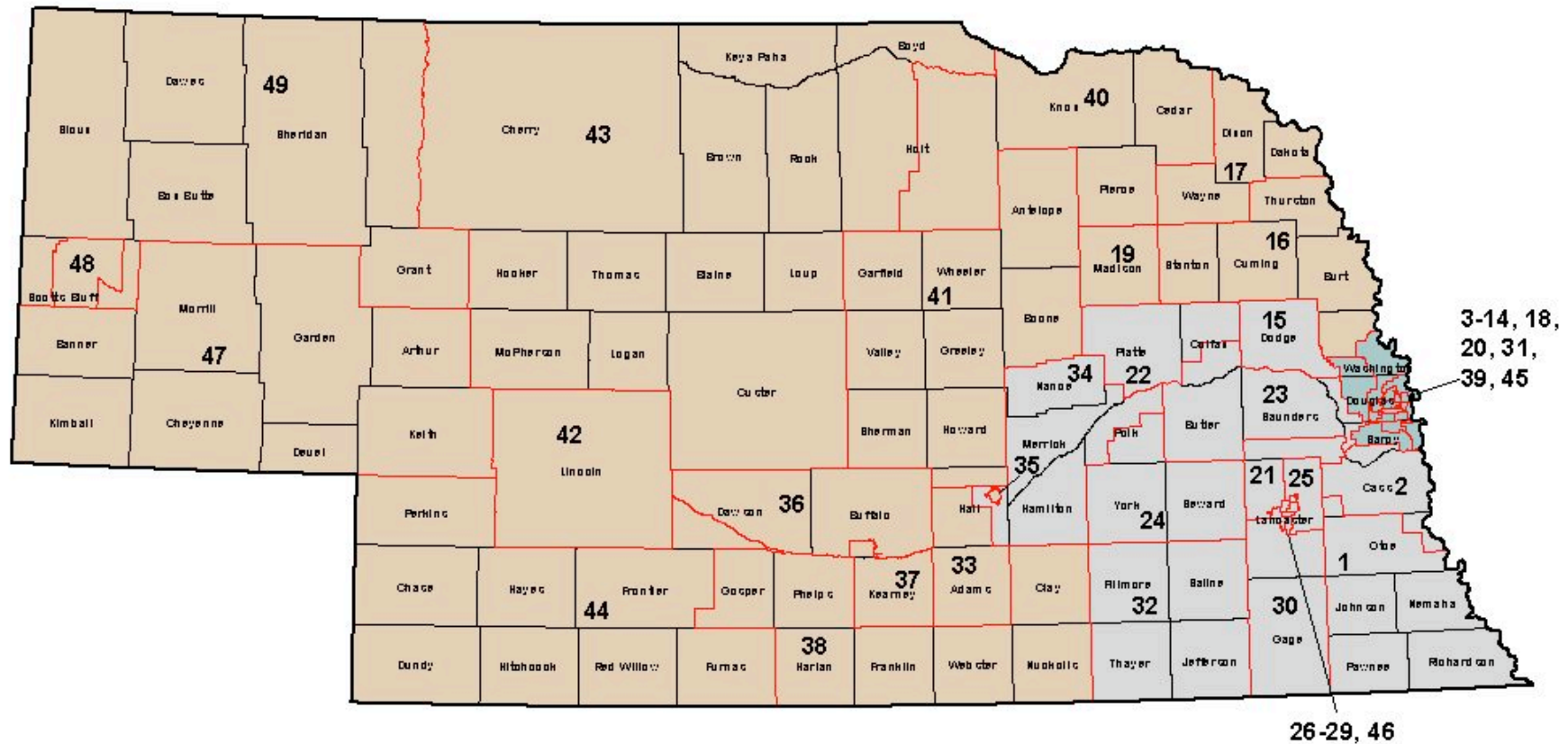
2009 Membership of Executive Board and Committee on Committees Caucuses

1st District		2nd District		3rd District	
<u>Dist.</u>	<u>Senator</u>	<u>Dist.</u>	<u>Senator</u>	<u>Dist.</u>	<u>Senator</u>
1	Heidemann	3	Price	16	Rogert
2	Pankonin	4	Pirsch	17	Giese
15	Janssen	5	Mello	19	Flood
21		6	Nelson	33	Utter
22	Stuthman	7	Nordquist	35	Gloor
23	Langemeier	8	White	36	Wightman
24	Adams	9	Howard	37	Hadley
25	Campbell	10	Friend	38	Carlson
26	McGill	11	Council	40	Dierks
27		12	Lathrop	41	Sullivan
28	Avery	13	Cook	42	Hansen
29	Fulton	14	Gay	43	Fischer
30	Wallman	18	Lautenbaugh	44	Christensen
32	Karpisek	20	Ashford	47	Schilz
34	Dubas	31	Pahls	48	Harms
46	Nantkes	39	McCoy	49	Louden
		45	Cornett		

Executive Board — (50-401.01 and Rule 1, Sec.1) (Elect 2 from each district)

Committee on Committees — (Rule 3, Sec. 2) (Elect 4 from each district)

Geographic Areas Represented on the Committee on Committees and the Executive Board



1st District
 2nd District
 3rd District



Committee Assignment Combinations

The following list shows various combinations of committees upon which you may serve without resulting in conflicting meeting times. At the same time, it also allows each of you a committee meeting every afternoon, Monday through Friday. It should be noted that this list is based on the assumption that the various committees will meet the number of times per week and on the days indicated on the attached sheet.

Agriculture

Meets Tuesdays

A member of this committee also may have one of the following:

- a. Government, Military and Veterans Affairs
Business and Labor
- b. Government, Military and Veterans Affairs
General Affairs
- c. Health and Human Services
Business and Labor
- d. Health and Human Services
General Affairs
- e. Judiciary
Business and Labor
- f. Judiciary
General Affairs
- g. Natural Resources
Business and Labor
- h. Natural Resources
General Affairs
- i. Revenue
Business and Labor
- j. Revenue
General Affairs

Appropriations

Meets daily

This committee meets daily. A member may have no other assignments except to those committees which do not have regular meetings.

Banking, Commerce and Insurance**Meets Mondays and Tuesdays**

A member of this committee may also have one of the following:

- a. Government, Military and Veterans Affairs
- b. Health and Human Services
- c. Judiciary
- d. Natural Resources
- e. Revenue

Business and Labor**Meets Mondays**

A member of this committee may also have one of the following:

- a. Government, Military and Veterans Affairs
Agriculture
- b. Government, Military and Veterans Affairs
Urban Affairs
- c. Health and Human Services
Agriculture
- d. Health and Human Services
Urban Affairs
- e. Judiciary
Agriculture
- f. Judiciary
Urban Affairs
- g. Natural Resources
Agriculture
- h. Natural Resources
Urban Affairs
- i. Revenue
Agriculture
- j. Revenue
Urban Affairs

Education**Meets Mondays and Tuesdays**

A member of this committee may also have one of the following:

- a. Government, Military and Veterans Affairs
- b. Health and Human Services
- c. Judiciary
- d. Natural Resources
- e. Revenue

General Affairs**Meets Mondays**

A member of this committee may also have one of the following:

- a. Government, Military and Veterans Affairs
Agriculture
- b. Government, Military and Veterans Affairs
Urban Affairs
- c. Health and Human Services
Agriculture
- d. Health and Human Services
Urban Affairs
- e. Judiciary
Agriculture
- f. Judiciary
Urban Affairs
- g. Natural Resources
Agriculture
- h. Natural Resources
Urban Affairs
- i. Revenue
Agriculture
- j. Revenue
Urban Affairs

Government, Military and Veterans Affairs**Meets Wednesdays, Thursdays and Fridays**

A member of this committee may also have one of the following:

- a. Agriculture
Business and Labor
- b. Agriculture
General Affairs
- c. Urban Affairs
Business and Labor
- d. Urban Affairs
General Affairs
- e. Banking, Commerce and Insurance
- f. Education
- g. Transportation and Telecommunications

Health and Human Services

Meets Wednesdays, Thursdays and Fridays

A member of this committee may also have one of the following:

- a. Agriculture
Business and Labor
- b. Agriculture
General Affairs
- c. Urban Affairs
Business and Labor
- d. Urban Affairs
General Affairs
- e. Banking, Commerce and Insurance
- f. Education
- g. Transportation and Telecommunications

Judiciary

Meets Wednesdays, Thursdays and Fridays

A member of this committee may also have one of the following:

- a. Agriculture
Business and Labor
- b. Agriculture
General Affairs
- c. Urban Affairs
Business and Labor
- d. Urban Affairs
General Affairs
- e. Banking, Commerce and Insurance
- f. Education
- g. Transportation and Telecommunications

Natural Resources

Meets Wednesdays, Thursdays and Fridays

A member of this committee may also have one of the following:

- a. Agriculture
Business and Labor
- b. Agriculture
General Affairs
- c. Urban Affairs
Business and Labor
- d. Urban Affairs
General Affairs
- e. Banking, Commerce and Insurance
- f. Education
- g. Transportation and Telecommunications

Nebraska Retirement Systems

Meets at the call of the chairperson

This committee meets at the call of the committee's chair. Membership on this committee does not prevent a member from having any other assignments.

Revenue

Meets Wednesdays, Thursdays and Fridays

A member of this committee may also have one of the following:

- a. Agriculture
Business and Labor
- b. Agriculture
General Affairs
- c. Urban Affairs
Business and Labor
- d. Urban Affairs
General Affairs
- e. Banking, Commerce and Insurance
- f. Education
- g. Transportation and Telecommunications

Transportation and Telecommunications

Meets Mondays and Tuesdays

A member of this committee may also have one of the following:

- a. Government, Military and Veterans Affairs
- b. Health and Human Services
- c. Judiciary
- d. Natural Resources
- e. Revenue

Urban Affairs**Meets Tuesdays**

A member of this committee may also have one of the following:

- a. Government, Military and Veterans Affairs
Business and Labor
- b. Government, Military and Veterans Affairs
General Affairs
- c. Health and Human Services
Business and Labor
- d. Health and Human Services
General Affairs
- e. Judiciary
Business and Labor
- f. Judiciary
General Affairs
- g. Natural Resources
Business and Labor
- h. Natural Resources
General Affairs
- i. Revenue
Business and Labor
- j. Revenue
General Affairs

Subjects Assigned to Committees of the Nebraska Legislature**Agriculture**

- 1. Crop Development; exports; prices, commodity programs and boards; Marketing
- 2. Livestock; brands; development; liens; health; auction markets
- 3. Warehouses; public grain warehouses; grain storage
- 4. Department of Agriculture; Nebraska State Fair Board; county fairs
- 5. Farming and ranching; corporate ownership
- 6. Agricultural products; research, development, and utilization; foods; milk, eggs
- 7. Fertilizer; feeds; agricultural chemicals
- 8. Weather modification
- 9. Cooperatives
- 10. Weights and measures
- 11. Weeds
- 12. Lodging; eating facilities; Pure Food Act
- 13. Pests; animal
- 14. Seeds
- 15. Pet shops

Appropriations

1. Appropriations bills; support of State Government; Capital construction; Senators' salaries; salaries of constitutional officers; deficiency appropriations; appropriations for special purposes or projects
2. Create special funds; exchanges between or disbursements from various funds
3. Bills increasing salaries of state employees; bills to change state contributions to state employees group health insurance
4. Changing distribution of certain taxes (e.g., the cigarette tax)
5. Bills containing substantive program provisions within the jurisdictions of other committees – which also contain provisions for major appropriations

Banking, Commerce and Insurance

1. Banking (Financial Institutions)
 - a) Banks; banking practices; branch banking; auxiliary tellers; organizations
 - b) Department of Banking and Finance; administration
 - c) Credit Unions
 - d) Building and loan associations
 - e) Loans; interest; consumer credit; Installment Sales Act
 - f) Industrial loan and investment companies
 - g) Public funds; investment; deposit
 - h) Public bodies; authorities; issue bonds
2. Insurance
 - a) Insurance companies; agents and brokers; guaranty associations
 - b) Department of Insurance; administration
 - c) Policies; coverage; types of insurance; actions; liability
 - d) Risk management
 - e) Health Maintenance Organization Act
3. Commerce; related acts; miscellaneous
 - a) Uniform Commercial code; trust administration; partnerships; corporations; business trusts; Securities Act; business entities
 - b) Real estate; Real Estate Commission; abstracters; deeds
 - c) Financial acts; Mortgage Finance Fund; economic development; NIFA; IFCA; IDCA; SBDA
 - d) Commercial development; trade; exports
 - e) Miscellaneous; accountancy; warranties; franchises; itinerant merchants
 - f) Research and Development Authority Act; venture capital

Business and Labor

1. Workers' compensation; Workers' Compensation Court
2. Unemployment compensation
3. Labor and employment relations; Commission of Industrial Relations; fair employment practices

4. Health and safety regulations; labor conditions
5. Claims against the State
6. Miscellaneous; purchase American-made goods; State Employees Day Care Services; disability compensation for State employees; plant closings; Job Training Act; boiler inspection
7. Wage Payment and Collection Act; Wage and Hour Act
8. Nebraska Elevator Code

Education

1. School districts; organization; reorganization; tuition; powers; offices; transportation
2. Schools; programs; compulsory education; special education; handicapped; gifted; drivers' education
3. Teachers; employees; Professional Negotiations Act
4. Post-secondary education; State colleges and universities; vocational schools; community colleges; governing boards
5. State aid; school funds; lands
6. State Board of Education; Department of Education
7. Miscellaneous; ETV; public radio; private and parochial schools; educational service units

General Affairs

1. State Electrical Act
2. Liquor
3. Gambling; bingo; lotteries; horse racing; pickle cards
4. Cemeteries
5. Libraries
6. Specific conveyances
7. Miscellaneous; adopt official State items; trade names and practices; Private Security Act; safety detection devices; rates for legal notices; auction houses; holidays; unfair sales; franchises

Government, Military and Veterans Affairs

1. County Government and officers; counties, townships
2. Elections
3. Other political subdivisions; special districts
4. State government; departments; agencies, boards and commissions; constitutional officers; employees; legislature
5. Political campaigns and finance; Nebraska Political Accountability and Disclosure Act; lobbying; political contributions
6. Corrections; jails; Department of Correctional Services
7. Law enforcement; State Patrol; police
8. Miscellaneous; recognition days; unclaimed property; public meetings; public lettings; standards for public buildings
9. Administrative rules and regulations
10. Military and Veterans Affairs; National Guard; Veterans Aid Fund; Veterans homes; County

Service Committee; Civil Defense

11. Apportionment; redistricting

Health and Human Services

1. Public Health Areas

- a) Hospitals; nursing homes; homes for the aged; health facilities; certificate of need
- b) Mental health regions; commitment; alcoholism and drug programs
- c) Professional and occupational licensing; boards
- d) Medical assistance
- e) Emergency medical care; services; ambulances
- f) Department of Health and Human Services
- g) Children; diseases; maternal and infant care
- h) Housing and building standards
- i) Miscellaneous; vital statistics; rural and local health; generic drugs; Radiation Control Act; Asbestos Control Act

2. Welfare-related

- a) Public Assistance; ADC; OAA; administration
- b) Children; foster care; child care; support; placement; adoption
- c) Aging
- d) Miscellaneous; community action agencies

Judiciary

- 1. Courts; judges; procedures; judicial districts; powers; jurisdiction; juvenile code
- 2. Criminal code; crimes and punishments
- 3. Criminal procedure; crime victim's reparations
- 4. Civil procedure; civil law
- 5. Probation; parole
- 6. Real property; conveyances; liens; condemnation; eminent domain; landlords and tenants
- 7. Marriage and divorce
- 8. Child support; visitation rights
- 9. Miscellaneous; liens; liability; guest statutes; tort claims; civil rights; Uniform Arbitration Act; obscenity; abortion

Natural Resources

1. Water-related

- a) Ground and surface
- b) Rights
- c) Wells
- d) Irrigation; districts
- e) Flood control
- f) Drainage
- g) Department of Natural Resources

- h) Soil and Water Conservation Act; Erosion and Sediment Control Act
- 2. Public Power-related
 - a) Public Power Districts
 - b) Power Review Board
 - c) Other utilities; electric co-ops
 - d) Oil and gas
- 3. Natural Resources Districts; Natural Resources Commission
- 4. Environment Areas
 - a) Hazardous waste; underground storage; oils and fuels; combustibles
 - b) Litter reduction; recycling; drink containers
 - c) Department of Environmental Quality; Environmental Quality Council
 - d) Pollution; groundwater; Environmental Protection Act; chemigation
 - e) Air pollution
- 5. Energy; Energy Office
- 6. Recreation Areas
 - a) Hunting; fishing; trapping; game farming
 - b) Game and Parks Commission
 - c) Parks, recreation areas; recreation roads
 - d) Miscellaneous; endangered species; wildlife damage (compensation for)
 - e) Boating
- 7. Ethanol Authority and Development Act – petroleum products

Nebraska Retirement Systems Committee

- 1. Public Employees Retirement Board
- 2. Nebraska Investment Council
- 3. State Employees Retirement System
- 4. County Employees Retirement System
- 5. Deferred Compensation Plan
- 6. School Employees Retirement System (State)
- 7. Omaha School Employees Retirement System
- 8. Judges Retirement System
- 9. State Patrol Retirement System
- 10. Spousal Pension Rights Act

Revenue

- 1. Sales and use tax; rates of; setting of; exemptions; items to be taxed; collection; delinquent taxes
- 2. Income tax
- 3. Property tax; homestead exemption; administration; valuation of property
- 4. Motor fuels tax; special fuel; aircraft fuel; liquefied gas
- 5. Miscellaneous taxes; cigarette; liquor; insurance premiums; pari-mutuel; inheritance; highway bonds; franchise; severance
- 6. Department of Revenue; State Tax Commissioner

7. Employment Expansion and Investment Incentive Act; Employment and Investment Growth Act; Community Development Assistance Act; all proposals containing tax credit or incentives regardless of the remaining subject matter
8. Miscellaneous; Local Option Tax Control Act; Local Option Revenue Act; state aid; revenue forecasting

Transportation and Telecommunications

1. Motor vehicle-related
 - a) Driver licensing
 - b) Registration and titles
 - c) Rules of the road
 - d) Size and weight; equipment
 - e) Department of Motor Vehicles
2. Highways-related
 - a) Highways and bridges
 - b) Roads
 - c) Department of Roads
 - d) State Highway Commission
3. Railroads-related
 - a) Grade crossings
 - b) Transportation safety districts
 - c) Railroad equipment
4. Common Carriers-related
 - a) Pipelines
 - b) Commercial vehicles
 - c) Telephones; telecommunications
 - d) Public Service Commission
5. Driving with a revoked license; accidents

Urban Affairs

1. Cities and villages; all classes; particular classes; organization; powers and services; special districts and authorities; officers and employees; funds; annexation and zoning; planning
2. Sanitary and Improvement districts
3. Metropolitan Utilities District; Business Improvement District Act
4. Housing Authorities Law
5. Community antenna television service
6. Handicapped parking

Source: Legislative Research Report #89-25, September 1989

Updated October 2008, based on recommendations from the Revisor of Statutes

LEGISLATIVE DIVISIONS AND STAFF

This section is designed to acquaint you with the five divisions of the Legislature, their staff and the services they provide. The Executive Board supervises all services and employees of the Legislature.

The divisions are listed below:

Bill Drafter and Revisor of StatutesPage 32

Clerk of the Legislature.....Page 36

Fiscal Office.....Page 46

Ombudsman (Public Counsel).....Page 52

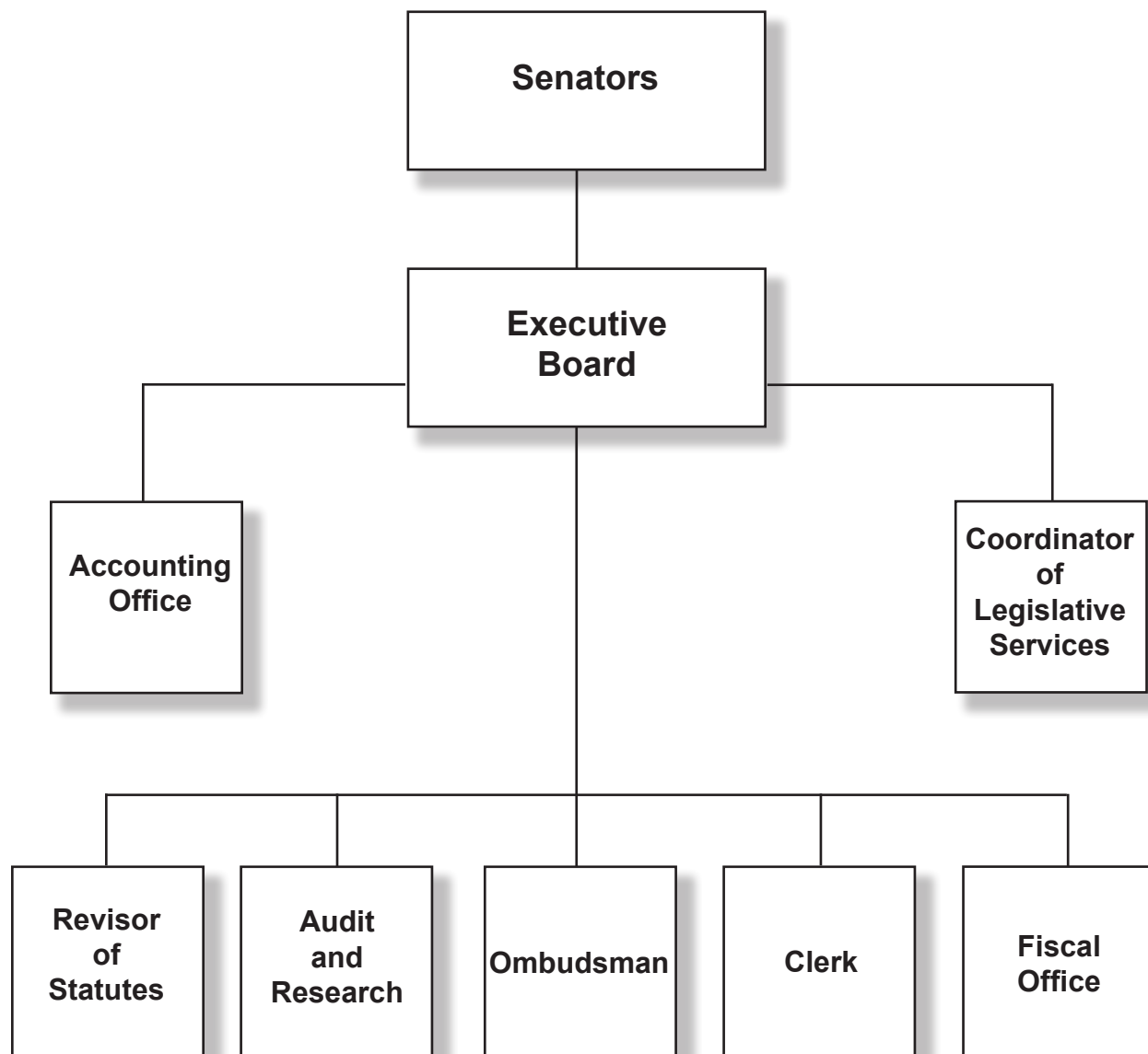
Legislative Audit and ResearchPage 55

In addition, the Accounting and Budgeting Office and the Coordinator of Legislative Services work directly under the auspices of the Executive Board.

Accounting and Budgeting OfficePage 30

Coordinator of Legislative ServicesPage 60

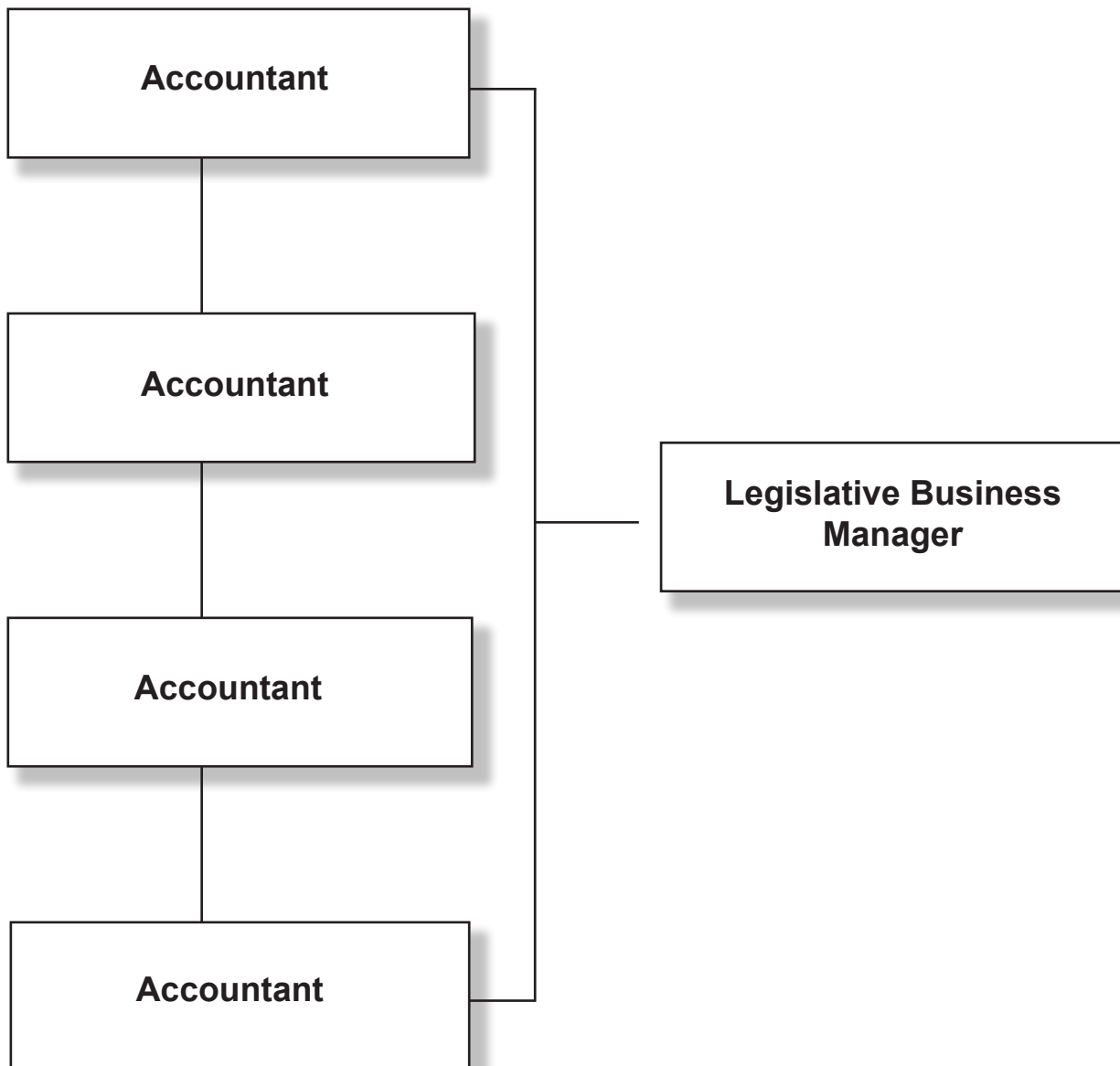
LEGISLATIVE ORGANIZATIONAL CHART



ACCOUNTING AND BUDGETING OFFICE

Legislative Business Manager: Diane Nickolite
Room: 1010
Phone: 471-2226
Fax: 471-6091
E-mail: dnickolite@leg.ne.gov

Organizational Chart



Office Functions and Responsibilities

The responsibilities of the Accounting and Budgeting Office include handling personnel benefits and payroll; payment of all bills, including expense vouchers; inventory; ordering of supplies; purchasing equipment and furniture; loaner equipment; typewriter and telephone repair requests; and preparation of the Legislative Council budget under the direction of the Executive Board.

Supplies

You may obtain your office supplies in the Accounting and Budgeting Office. Items desired in large quantity or unusual items should be ordered in advance. A letter must be written to the Executive Board Chairperson for out-of-the-ordinary or costly supplies. Quarterly, the Accounting Office will provide to you a supply sheet indicating supplies used by your office. This supply sheet should be signed by you and returned to the Accounting Office.

Loaner Equipment/Furniture

The Accounting and Budgeting Office will loan to offices hand-held dictaphone equipment, calculators and a paper shredder. The Tran-

scriber's Office (part of the Clerk's Office) will loan transcription equipment. Requests for office furniture must be directed to the Coordinator of Legislative Services. Requests for special items may require that a letter be sent to the Executive Board chairperson for approval.

Repairs

Typewriter and telephone repair requests should be reported to the Accounting and Budgeting Office. The Accounting Office will then contact the repair company.

Personalized Stationery, Envelopes, Business Cards

Place your requests for personalized stationery, envelopes and business cards with Vicki Buck in the Clerk of the Legislature's Office.

Telephones

Calling cards are distributed to you through the Accounting and Budget Office. An itemized list of calls from your office will be distributed monthly to you for your approval. Very specific procedures are outlined in the Legislature's Policy Manual regarding long-distance calls and the process for reviewing telephone billing statements.

Senators' Pay, Benefits, Staff

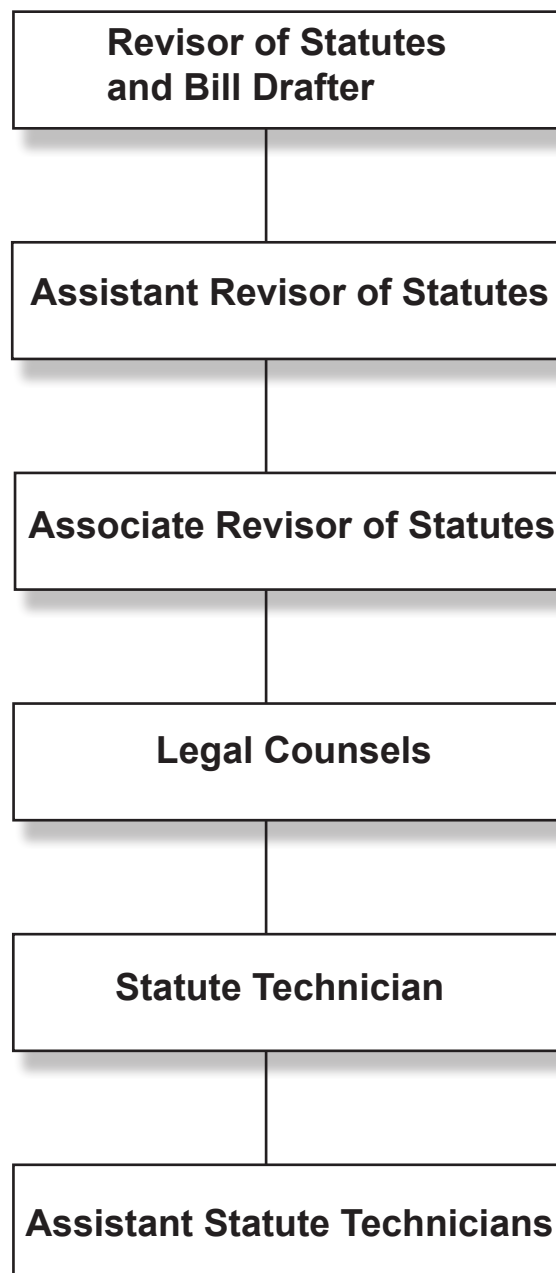
Information about your pay, benefits, expense reimbursements and staffing appear in separate sections. If you have any questions about these areas, please direct them to the Accounting Office staff.



BILL DRAFTER/REVISOR OF STATUTES

Revisor of Statutes: Joanne Pepperl
Room: 358
Phone: 471-2225

Organizational Chart



The Office of Revisor of Statutes

The Office of Revisor of Statutes is created by **section 49-701** as part of the Legislative Council. The Revisor of Statutes is appointed by and under the supervision of the Executive Board of the Legislative Council. (See **section 50-401.01**.)

The Legislative Council has the duty to establish and maintain a complete and efficient bill drafting service for the purpose of aiding and assisting members of the Legislature and the executive departments of the state in the preparation of bills, resolutions, and other measures and in drafting them in proper form. (See **section 50-402**.)

The responsibilities of the Revisor of Statutes and the Bill Drafter are combined in one office. The office is comprised of bill drafters (who are lawyers) and statute technicians under the direction of the revisor. The statute technicians computerize and proofread the materials that are processed through the office.

There are 10 major functions of the Revisor of Statutes/Bill Drafter.

1. Draft legislation proposing changes to the statutes and the Constitution of Nebraska.
2. Prepare amendments to legislation.
3. Provide legal services for the Enrollment and Review (E&R) Committee.
4. Issue a supplement volume at the end of each legislative session.
5. Reissue the permanent volumes of statutes as needed.
6. Maintain a computer database of the statutes.
7. Prepare Revisor's bills.
8. Prepare and issue the general index to the statutes.
9. Review the language of initiative and referendum measures for form and draftsmanship.

10. Provide staff support to the Reference Committee.

All work necessary to accomplish these functions, other than the actual printing of the supplements, reissues, and index, is done within the office.

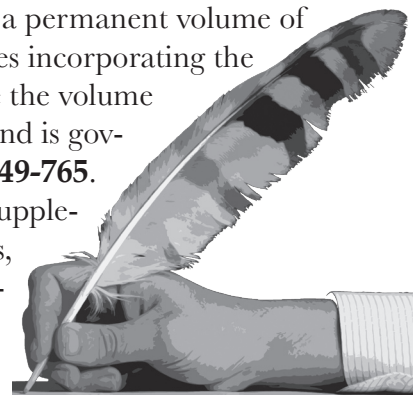
All legislative bills and all proposed constitutional amendments are placed in correct form by a bill drafter. Some of these proposals are written by others before the request is submitted to the office, but many are completely written by a bill drafter. Most amendments are also prepared by a bill drafter.

The work of E&R consists of reviewing bills and certain resolutions for needed amendments as they progress through the legislative process, and incorporating adopted amendments into Final Reading and Engrossed copies of the legislation.

After each legislative session, sections within the bills that were passed are compiled in numerical order by statute number for the supplement. New laws are assigned section numbers, catchlines are written for new material and modified for old material if necessary, new material is indexed and old material is reindexed if necessary, court annotations are inserted, and various reference tables are compiled. Guidance in correlating statutes which have been amended by more than one bill is provided in **sections 49-769** and **49-770**.

Reissuance of a permanent volume of the statutes involves incorporating the laws enacted since the volume was last reissued and is governed by **section 49-765**.

In preparing supplements and reissues, lengthy proofreading and editorial changes are nec-



essary. The Revisor of Statutes is authorized to, among other things, make harmonizing changes, omit certain obsolete and unconstitutional matter, and correct manifest clerical errors. (See **section 49-705**.) The printing of these volumes is governed by **sections 49-617, 49-702, 49-704, 49-707, 49-765 and 49-767**.

The Revisor of Statutes maintains a computer database of the statutes. The database is updated after each regular legislative session and as otherwise needed.

Prior to each legislative session, the Revisor of Statutes is required to provide the Executive Board a list of obsolete and unneeded statutes which could be repealed. (See **section 49-771**.) Bills repealing these sections and proposing

needed corrections to the statutes are known as Revisor's bills. (See **sections 49-705 and 49-771 and Legislative Rule 5, section 3(a)**.)

The Revisor of Statutes Office issued the most recent general index to the statutes in 2008. It is reissued periodically. A supplemental index is included in the statutory supplement if no general index is scheduled that year.

Since 1995, the Revisor of Statutes is required to review initiative and referendum petitions. (See **section 32-1405**.) When the Secretary of State receives an initiative or referendum petition, he or she transmits the text to the Revisor of Statutes. The Revisor reviews the proposed measure and can suggest changes. The sponsor(s) of the measure can accept or reject the suggested changes.

Bill Drafting Procedures

The office has prepared a drafting manual that provides a detailed outline of drafting issues, policies, and procedures. It also contains many examples. A copy will be provided upon request.

The procedures for a request for a new bill are included here.

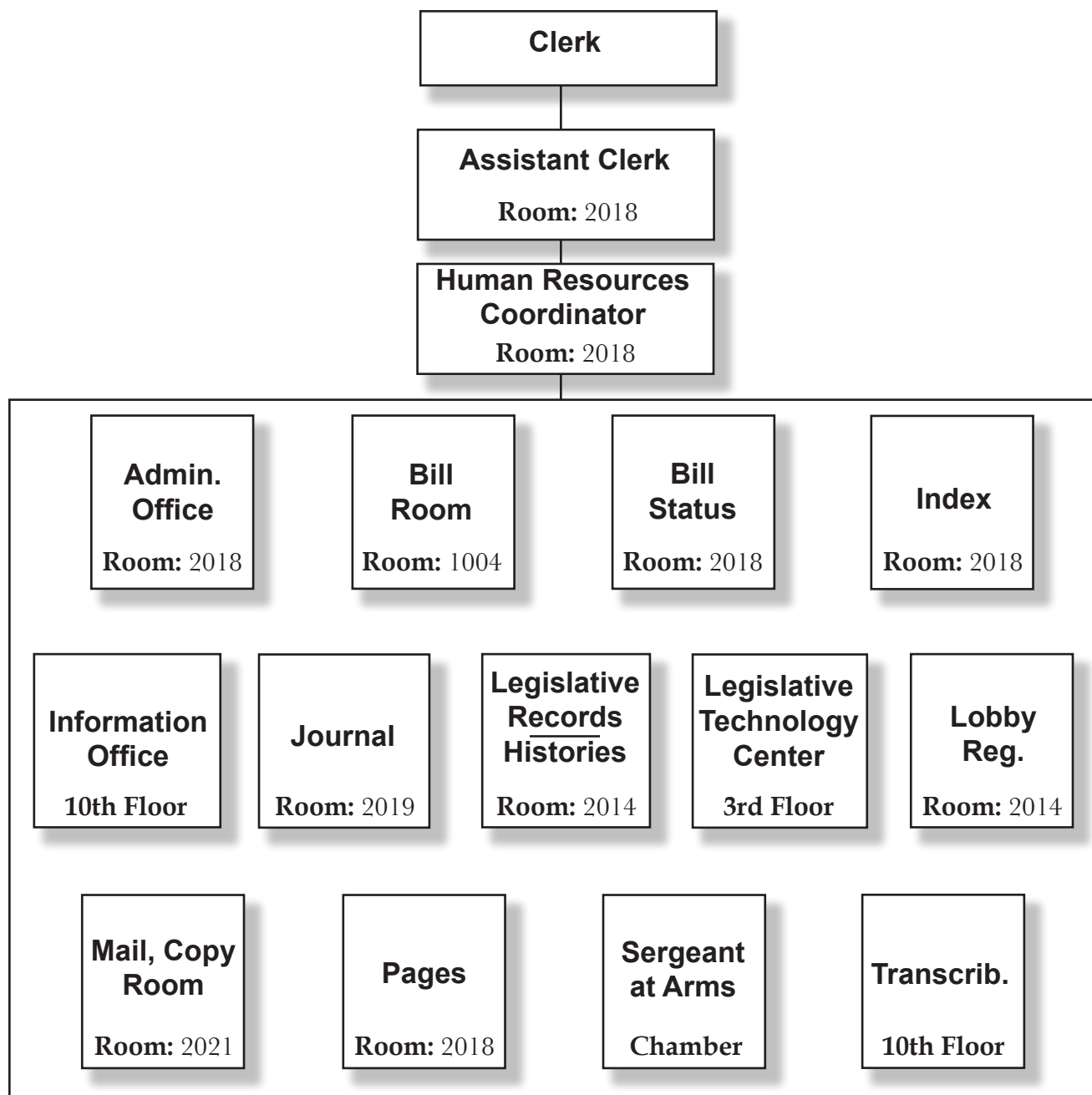
Each request goes through a series of steps designed for quality control, usually in the following order, which vary in length according to the nature of the request, the amount of background research performed by the requester, the overall workload of the office, and similar factors.

1. A request arrives in the office and is assigned a number.
2. The request is assigned to a bill drafter.
3. The bill drafter reads through the request, checks to see if any statutes should be amended, checks relevant constitutional and other provisions as time permits, and may request additional information.
4. The bill drafter actually drafts the bill by having needed statutes copied, marking changes on the copies, writing new material if necessary, adding special clauses (e.g., emergency), numbering sections, and drafting the title.
5. The request is submitted to the statute technicians to be computerized. Requests are computerized in numerical order as completed by the bill drafters.
6. A request document is created in the computer by calling up statutes to be amended, entering appropriate commands for changes, and typing in new material. A copy of the request is printed.
7. The copy of the request is proofread by two statute technicians against the bill drafter's work product.
8. The request is read by a second bill drafter for content, possible conflicts with other statutes, constitutional questions, technical form, etc. and discussed with the first bill drafter.
9. If necessary, corrections are made and a new copy of the request is printed.
10. The bill drafter has the rough draft copy of the request delivered to the requester and alerts the requester to any problems discovered during the drafting process. The requester is expected to read the rough draft in order to ensure that the draft accomplishes what was requested before the final version, commonly called a three-part, is prepared.
11. If necessary, the rough draft is revised, changes are made on the computer, and a new rough draft is given to the requester. This step is repeated as often as necessary until the requester is satisfied with the request.
12. The requester approves preparation of a three-part or decides not to proceed further.
13. The three-part is delivered to the requester. Given these steps and the fact that a number of requests may precede yours, you should allow at least one week between the time you submit a request and the time you need a rough draft.

CLERK OF THE LEGISLATURE

Clerk: Patrick J. O'Donnell
Room: 2018
Phone: 471-2271

Organizational Chart



The Clerk

The Clerk of the Legislature's Office is the administrative arm of the Legislature. The Clerk is responsible for the overall management of the office.

The Clerk is responsible for ensuring that all constitutional, statutory and policy positions for the Legislature are followed.

The Clerk assists in the overall administration of the Legislature through his work with the Speaker's Office, Executive Board, and other executive and judicial branch agencies.

The Assistant Clerk

During the legislative session, the Assistant Clerk keeps official records of bills, amendments, resolutions and other legislative records. He also drafts a number of these documents. He should be contacted regarding the introduction of bills or amendments, the filing of motions and notices, or for reviewing other official communications.

The Assistant Clerk, who like the Clerk is an attorney, offers legal and parliamentary advice to the presiding officer, to legislators and to legislative staff. He drafts legislative rules and assists in ensuring all constitutional requirements for the processing of legislation are met. In coordination with the Speaker's Office, he helps prepare and schedule legislative business through the consent calendar and daily agenda.

The Assistant Clerk may assist and offer staff support to special committees created to address issues that pertain to the legislative branch of government. He is responsible for assisting in the implementation of Legislative Council policy adopted by the Executive Board.

In addition, the Assistant Clerk helps manage and supervise the Clerk's staff. He is directly responsible for the Legislative Technology Center, Unicameral Information Office and Sergeants at Arms.

Human Resources Coordinator

The Human Resources Coordinator provides support to the Clerk and the Assistant Clerk and assists in the administration and management of the office.

The Human Resources Coordinator receives persons seeking employment with the Legislature; retains applicants' resumes for one month; and provides copies of those resumes to senators, upon request, when they are filling positions. She receives the Legislative Rooms Request Forms and schedules rooms.

The Human Resources Coordinator serves as a liaison for requests for services pursuant to the Americans with Disabilities Act. She is a member of the Legislative Council Safety Committee.

The Human Resources Coordinator coordinates the orientation session for new administrative assistants every two years. She serves as the Legislative Council's Affirmative Action Officer and the Employee Assistance Program Coordinator.

Bill Status Clerk

The Bill Status Clerk performs the following tasks:

- Compiles information on bills, constitutional amendments and resolutions referred to committee. This information includes bill titles and introducers' names, as well as dates and Journal cites for the following: date of introduction; reference report; committee hearing; committee action; proposed amendments; legislative floor action; and other pertinent information on each bill and resolution.
- Creates a summary sheet from the Journal at the end of each day the Legislature is in session. The summary sheet lists the bills and resolutions numerically and indicates any action that has taken place. The

summary sheet is designed to help staff maintain black books. (The black book is a convenient record of legislative actions taken on bills and resolutions.)

- Assembles the chronology of bills, constitutional amendments and resolutions referred to committee which is bound in the Legislative Journal at the end of session.
- Prepares an Interim Hearing Schedule listing all committee hearings with dates, times and topics on a weekly basis during the interim.

Division Executive Assistant

The Division Executive Assistant works directly with the Clerk of the Legislature, as well as with the Assistant Clerk. He or She handles correspondence and schedules appointments.

The Division Executive Assistant also works with the Governor's Office and receives letters regarding gubernatorial appointments, the signing and/or vetoing of legislation and any other matters directly related to the Legislature. All attorney general opinions also are received by the Division Executive Assistant.

Other responsibilities of the Division Executive Assistant include:

- issuing office keys to legislative staff
- coordinating issuance of access/identification cards for legislative staff and news media
- issuing authorization for use of state cars
- maintaining the legislative social calendar
- maintaining a current file of all state agency reports received
- maintaining copies of the daily agenda, worksheet and summary sheet for the public
- scheduling individuals to serve as Legislative Chaplain

- coordinating senators' expense verifications
- assisting with page orientation/training activities
- maintaining a list of and coordinating individuals to serve as Doctor of the Day
- selling copies of the Nebraska Blue Book
- preparing weekly legislative hearing schedule.

The weekly schedule of committee hearings is prepared for publication the last legislative day of the week during session. The schedule will not be available until after the Legislature adjourns for the day. The schedule is available on tables in front of the Clerk's office and the Bill Room. The schedule also is published in the Sunday *Lincoln Journal Star*, the Sunday *Omaha World-Herald* and the weekly *Unicameral Update*.

Legislative Records Historian

The Office of the Clerk of the Legislature keeps the official records of all debate and action taking place in the Nebraska Unicameral Legislature.

You, your staff and other individuals come to the Clerk's Office to determine why certain legislation was introduced. The answer to that question is often found in what is known as a "legislative history."

A standard history of a bill or statute includes the following information: committee records (committee hearing transcripts, introducer's statement of intent and the committee statement); floor debate transcripts; and on request, the bill and exhibits.

A history can be requested over the phone, by letter or by e-mail. It can be viewed in the Clerk's Office or copied and mailed to the person requesting the history. A bill number and year or statute number is helpful to find the appropriate legislative history. Microfilm records begin as

early as 1937 for committee hearings and 1961 for floor debate.

A history request is processed as quickly as possible depending on the length of the history and the number of requests. A legislative history costs 15 cents per page, plus tax and postage. There is no charge to senators, staff or state agencies.

The Records Historian also:

- coordinates the printing of bills and amendments
- processes and distributes adopted amendments to bills, fiscal notes and committee statements
- trains and assists committee clerks
- provides support for the chamber automation system.

Journal Clerks

The Journal Clerks produce the daily **Legislative Journal**, which is consolidated at the end of the legislative session into a bound Legislative Journal. The following indexes are added to the bound volume of journals at the end of the session:

- Chronology of bills and resolutions referred to committee
- Introducers of bills and resolutions
- Bills and resolutions heard by committee
- Summary of final legislation
- General index
- Subject and section indexes to bills introduced and resolutions introduced

Other publications produced by the Journal Clerks are:

- **Worksheet** — shows the status of every bill and resolution referred to committee at the end of each legislative day
- **Roster** — includes information about the membership, committees, officers and employees of the Legislature

- **Rule Book** — contains all legislative rules
- A booklet of the carry-over legislation at the beginning of each even-numbered year
- The **Nebraska Constitution**
- A booklet of the interim study resolutions

Miscellaneous items ordered through the Journal Clerks are:

- Senators' stationery
- Envelopes
- Business cards
- Scratch pads
- Thank you cards
- Black book sheets

The Assistant Journal Clerks receive daily journal records from the Principal Journal Clerk, who compiles the information as action takes place on the legislative floor.

The Assistant Journal Clerks take these records and create the daily Journal. They also assist with all other duties and responsibilities within the Journal Clerk area during the session and provide special assistance to other areas of the office during the interim.

Excused Absences:

1) **Call 471-2303** (Journal Clerks' Office) before session convenes. You or your staff should indicate whether you should be excused until you arrive or for the day.

2) **Call 844** (Principal Journal Clerk's intercom phone number in the chamber) if the session has convened. If the Legislature is under call, you cannot be excused.

Lobby Registration Office

A list of registrations and quarterly filings for all lobbyists and their principals is available in the Lobbyist Registration Office in Room 2014. Lobbyists and principals are required by law to file

reports of receipts and expenditures quarterly.

Each quarter, reports of receipts and expenditures are prepared for senators, their staff and the media. These reports are available to the public by request for 15 cents per page.

Index Clerk

The Index Clerk performs the following tasks:

- Prepares a subject matter and statutory section index to all bills and resolutions for distribution and/or inclusion in the Session Laws and Legislative Journal
- Prepares a subject index to interim studies and resolutions
- Receives and responds to inquiries from staff and the public regarding current and past legislation, statutes, bills, and motions and amendments on bills
- Manages the chamber automation system
- Maintains the legislative voting system and enters the daily agenda in the computer, which provides the information shown on the display boards in the legislative chamber
- Maintains the governor appointments database
- Coordinates referencing of bills and resolutions
- Maintains the bill file, including all bills, resolutions, amendments and motions
- Produces a booklet of statutes about the Executive Board
- production of the Nebraska Blue Book
- production of a variety of informational and educational publications and videos that explain the legislative process, provide information about the Legislature's members and assist citizens with getting more involved in the legislative process
- management of the design and content of NebraskaLegislature.gov, the Legislature's web site;
- management of the Warner Institute for Education in Democracy, the Legislature's civic education initiative;
- maintenance of a digital photo library, including photos of senators, the legislative chamber, the capitol and committee hearings;
- assistance for the general public in answering questions about the legislative process;
- presentations to groups and organizations about the Legislature, its history and its process.

Nebraska Blue Book

The *Nebraska Blue Book* is the state's government reference manual, and it is published biennially in odd-numbered years.

The *Blue Book* contains constitutional, historical and statistical information about state government, as well as brief biographies and photos of elected officials.

The *Blue Book* is distributed free to all Nebraska schools and libraries, state agencies and some federal offices. Based on availability, a limited number of copies are provided to individual state senators and a copy is available for each legislative employee, if desired. *Blue Books* are exchanged with other states for their state manuals, which are placed in the Supreme Court Law Library. The *Blue Book* is available to the public for \$15 plus postage and tax per copy.

Unicameral Information Office

The Unicameral Information Office provides a variety of informational, educational and media-related services to the Legislature and its constituents, including:

- production of the Unicameral Update, a free, news print and online publication covering legislative activity

Transcribers

Legislative transcribers transcribe verbatim all legislative activity, including floor debate and testimony presented at all session and interim committee public hearings.

Transcribers and the Legislative Records Historian coordinate requests for current floor debate and/or committee hearings.

Transcribers also coordinate and process rush orders from the legislative floor.

Transcribers print the final drafts of all committee hearings; proof and print final drafts of floor debate; help legislative staff as needed; assist in the maintenance of all recording and transcribing equipment; and supply tapes to committee clerks for committee hearings.

Legislative Hot Line

During the legislative session, hot line staff will answer questions about the status of bills or requests for information from citizens calling the Legislative Hot Line.

The hot line operates from 8 a.m. to noon and 1 to 5 p.m. during the legislative session.

Anyone calling the legislative hot line before 8 a.m. or after 5 p.m. during the week, or on weekends and state holidays will hear a recorded message of the next legislative day's agenda.

This service also is available to any person with hearing loss and/or a speech impairment.

Legislative Hot Line (Session Only)

Lincoln area 471-2709 V/TTY
Other Nebraska areas..... 800-742-7456 V/TTY
24-Hour Request Line..... 402-471-2877

Legislative Bill Room

Paper copies of bills may be obtained in the Legislative Bill Room.

Bills are printed in different colors to repre-

sent individual steps in the legislative process. For example, bills on General File are printed on green paper; bills on Final Reading for the first time are printed on buff-colored paper; and amendments adopted by the Legislature are printed on white paper. A booklet containing sample sheets of those colors is available at the Clerk of the Legislature's Office.

Binders on senators' chamber desks are updated daily with all new bills, amendments, fiscal notes and journals.

Daily Legislative Journals, worksheets, agendas, resolutions, constitutional amendments, hearing schedules, one-line descriptions of bills, summary sheets and the *Unicameral Update* are also available during session. Copies of laws enacted in the previous 10 years are usually available on request.

A bill box service is offered for minimal charge to the public. The boxes are available for the daily pick up of journals, bills and slip laws. Each senator may have a box upon request.

Page Supervisor

The Page Supervisor conducts the annual page orientation and training of legislative pages. The supervisor creates work schedules for the pages and helps answer lights when necessary.

During the interim, the Page Supervisor distributes mail, schedules pages for interim hearings and is responsible for the photocopier and fax machine.

Pages

Pages, wearing vests, respond to senators' lights on the legislative floor and answer phone calls coming into the chamber.

They also prepare for hearings, run errands and serve coffee to senators during hearings, update journals, and distribute agendas and worksheets to senators' desks in the chamber.

If you have a young constituent interested in becoming a page, he or she must fill out and submit an application to the Clerk's Office. A page applicant also is advised to request a letter of recommendation from his or her state senator.

Pages are selected in the fall. Pages must be high school graduates who are enrolled in a college or trade school with a minimum grade point average of 2.5 on a 4.0 scale and be able to work 20 hours a week. They also must be able to work the same four-hour shift each day.

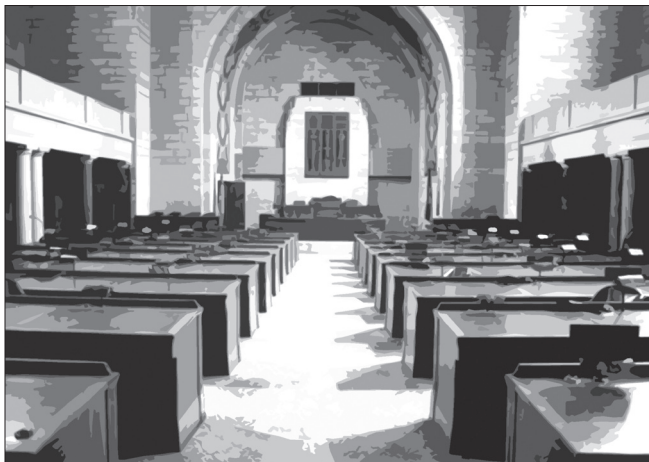
Legislative Floor Procedures

Legislative access/identification cards are required for access to the chamber. Your staff should be in the chamber or on the floor of the Legislature only when you request their presence. Legislative staff should confer with the Sergeant at Arms and assistants to determine whether it is appropriate for staff to be on the floor.

When the Legislature is under call or on Final Reading, staff are prohibited from being on the floor.

Sergeant at Arms

Wearing red jackets, the Sergeant at Arms and assistants are responsible for maintaining order when the Legislature is in session and also during public hearings. Their role is to ensure



that rules and proper decorum are observed. They assist staff and lobbyists. When citizens visit the chamber, they provide information and assistance.

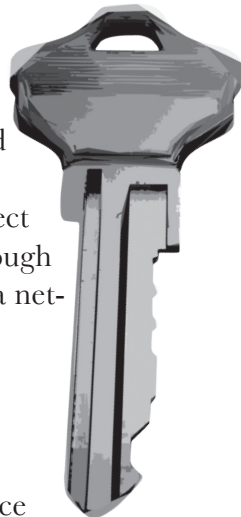
Legislative Technology Center

The Legislative Technology Center (LTC) manages the Legislature's computer network and provides a variety of services to its users. Those services include:

- *Help Desk* — LTC responds to requests for assistance from senators, legislators' staff, and legislative division employees. Those needing computer assistance should call 1-2234, and the call will be routed to the appropriate computer staff person. Help desk calls are prioritized according to urgency, but the center's goal is to resolve each problem as soon as possible. On a limited basis, the help desk responds to questions from state agencies and the general public regarding the features of the Legislature's public web site.
- *Network and Systems Administration* — In its role as network administrator, the LTC installs hardware and software on the network, does troubleshooting of network problems, maintains an audit trail of network access for security purposes, and monitors error conditions on the network. The center also is responsible for the installation and support of hardware and software purchased by the Legislature, the maintenance of backup copies of system configurations, and the testing of new software releases. In addition, the center provides technical expertise concerning hardware and software purchases by the Legislature.
- *Training* — LTC's Help Desk staff provides training to senators and staff on computers and the software applications used

within the legislative environment. Small classroom training and large group workshops are conducted throughout the year. Schedules are distributed in advance by interoffice mail and are available on the UniNet. Those wishing to take a class are requested to sign up with the help desk staff by calling 1-2234. Individualized instruction may be scheduled on an as-needed basis. Training packets for common tasks performed in this environment are available on the UniNet under the heading of Technology Training.

- *Application Development* — Legislative Technology Center analysts provide application development services for the legislative environment to support the creation of bills and supporting documents and the flow of electronic data in the chamber and between offices as needed.
- *Internet and UniNet Support* — LTC provides technical support to the development and maintenance of the Legislature's web site and the UniNet. The Information Office works with the Technology Center to create and update the Unicameral web site and produce multimedia products to assist in the understanding of Nebraska's legislative process.
- *Other Services* — The voting board system in the legislative chamber is maintained and supported by the center. The center also provides access to select applications and data through the Legislature's local area network.



Keys

Letters requesting office keys are to be given to the Clerk's Office

in Room 2018. New staff must have a letter of authorization signed by their senator in order to be issued a key. Staff leaving employment in an office must turn their key in to the Clerk's Office.

Access/Identification Cards

Access/Identification cards are issued through the Clerk's Office, Room 2018. The access/identification cards are produced with a photo by Capitol Security. Each legislative employee is required to have an access/identification card for access to the chamber during session. Cards are also required to enter the building after hours. Any person who leaves employment from the Legislative Council must turn in their access/identification card to the Legislative Accounting Office.

Travel

Travel must be approved by the chairperson of the Executive Board or his or her designee. Forms must be submitted to the chairperson indicating destination, purpose and dates of such travel. Upon approval by the chairperson, the Clerk's Office will issue the necessary authorization for use of a state car.

Anyone who drives a state car must have completed the Defensive Driving Course. A refresher course must also be taken every five years. To register for either course, call the Clerk's Office at 471-2271.

Mail

Legislative Council mail is distributed in Room 2021. Outgoing mail is processed and picked up by the state Central Mail Room staff at designated times.

Heavy mail should be marked 1st class in the upper left hand corner of the envelope, or it will be sent the most economical way. If you have questions about the most economical route, please ask.

Notification of incoming certified mail is placed in senators' boxes in Room 2021. (A senator's staff member may pick up special mail at the State Office Building, U.S. Post Office before 4 p.m.)

The words "Interoffice" or "Interagency" should be in the top right corner of an envelope, along with a State Capitol return address. Please drop this mail in the "Interagency" slot.

DAS policy regarding interagency mail is as follows: Unidentified interagency mail (without return address or identifiable sending-agency markings) addressed to senators and/or Legislative Council personnel, will be bundled and returned to the Materiel Division, DAS, to be opened and returned to the appropriate agency director, if discernible.

Please be sure to use complete return addresses. Rubber bands should be placed around bundles of mail and the number of pieces indicated on the top piece. Bundles of five envelopes or more do not need to be sealed. Please stack flaps open and place a rubber band around the stack. Single pieces must always be sealed. Please bundle thicker envelopes separately.

All mail must have a state return address, including stamped and interoffice mail. Please be sure that complete return addresses are used. If return addresses are missing or incomplete, the mail will not be processed.

All legislative mail must be processed through Room 2021. The two identified mail slots make mail sorting more efficient. Your cooperation in sorting metered and interagency mail will be appreciated. Personal stamped mail must be dropped in the slot in the mailroom on first floor, Room 1419. Personal stamped mail cannot be left in Room 2021.

PRESORT - Outgoing: 9:30 a.m. and 2:30 p.m. (from Room 2021)

NON-PRESORT - Outgoing: 3:45 p.m.

FEDERAL EXPRESS, UPS, EXPRESS MAIL
- Outgoing: 2:00 p.m.

U.S. MAIL - Incoming: 8:30 a.m., 10:00 a.m., 3:00 p.m.

INTERAGENCY - Incoming: 10:00 a.m., 3:00 p.m.

Executive Board Postal Policy

Each member of the Legislature will be allowed to mail 200 pieces on any one calendar day, not to exceed 1,000 pieces in any one calendar month.

Each standing committee chairperson, the Executive Board Chairperson and the Speaker of the Legislature will not be allowed to exceed 1,500 pieces of mail in any one calendar month. There will be no carryover for unused portions of the mail allotment.

The Clerk of the Legislature will notify you if you reach the maximum limit. If the maximum limit is reached, no more mail will be processed during that day or month. Please refer to the policy printed on page K-9 for more detailed information.

Photocopying Service

A copy machine in Room 2021 is available to all senators and staff. A full-time key operator will assist you, if necessary, during the legislative session. Staff assistance is available during the interim. When copying assignments are large (20 copies of two or more pages), a copy requisition form should be filled out, and the work must be taken to the Quick Copy Center on the first floor, Room 1419. Copy requisition forms can be filled out and printed off from the Forms section of the UniNet. The yellow copy of the requisition that

is returned with the print job must be provided to the Accounting Office, Room 1022.

One color and two black-and-white self-service copiers are available in Room 1421 for access after 5 p.m., on weekends and for large copy assignments. The copiers have been programmed to use access codes. Please have your staff contact the Legislative Accounting Office in Room 1022 (471-2226) for instructions and access codes.

Fax

The Legislature's fax machine is located in Room 2021 and the fax phone number is 402-471-2126. Outgoing material may be faxed be-

tween 8 a.m. and 5 p.m. There is a 25-page limit on the number of pages that can be faxed at any one time.

The fax machine is not to be used to transmit copies of legislative bills. They should be mailed or can be accessed at our web site.

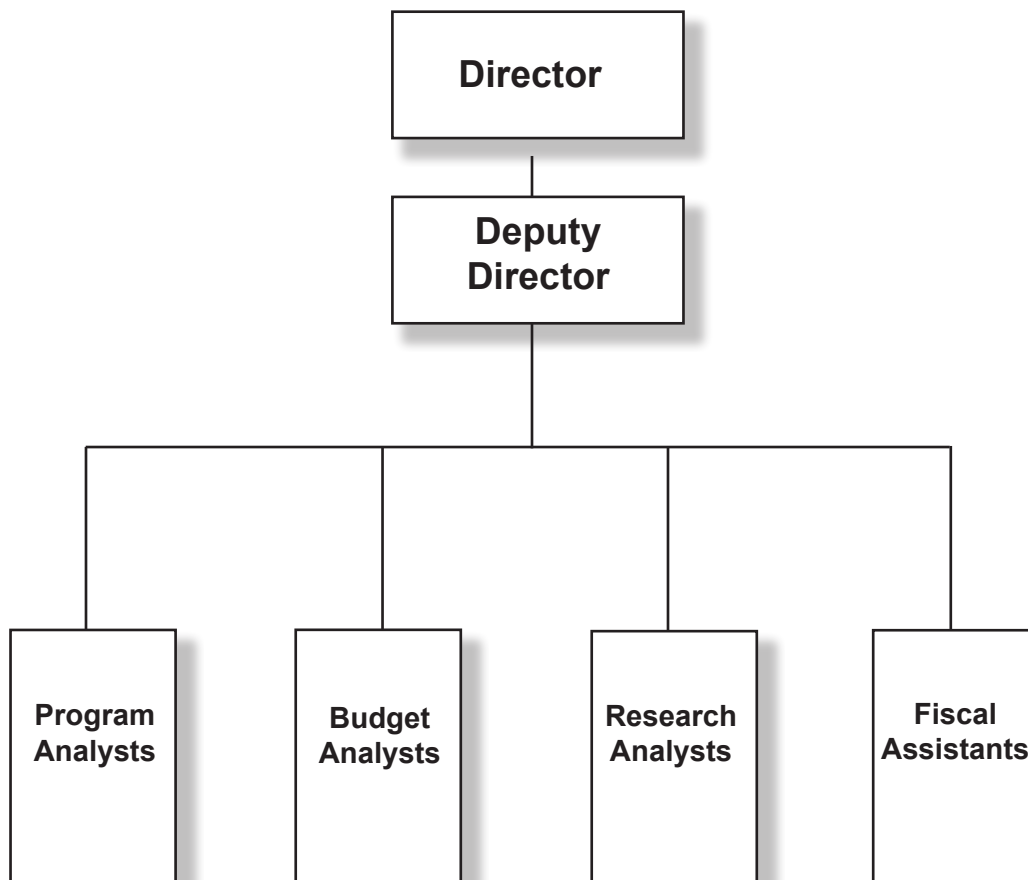
Notary Public

The Clerk of the Legislature's Office, Room 2018, provides a notary service to senators. Please call 471-2271 to ensure a notary is in the office should you need something notarized.

LEGISLATIVE FISCAL OFFICE

Director: Michael Calvert
Room(s): 1003, 1005, 1007, 1009
Phone: 471-2263 or 471-0059 (direct)
Fax: 479-0959
E-mail: mcalvert@leg.ne.gov

Organizational Chart



Legislative Fiscal Office Functions

The primary function of the Legislative Fiscal Office is to help the Legislature analyze state government financial and program issues. Specific roles and responsibilities in meeting this objective are defined in statute, linking office functions to the responsibilities of the Legislature's Appropriations and Revenue committees, and by the Rules of the Nebraska Unicameral Legislature.

During regular and special sessions of the Legislature, the Legislative Fiscal Office works under the direction of the Appropriations Committee to develop objective financial and program information and analysis of state agency budget requests and their operations. The information helps the Appropriations Committee develop budget recommendations and budget bills to be considered by the Legislature.

The Fiscal Office evaluates requests for appropriations, studies capital outlay requirements, plans for legislative appropriations, monitors control of funds and conducts oversight of the management and accomplishments of state government operations and aid programs.

Any legislator or legislative committee may request information and analysis from the Fiscal Office on specific issues and concerns.

Fiscal Note

During legislative sessions, a primary responsibility of the Legislative Fiscal Office is to develop a fiscal note for each legislative bill introduced. (See Rule 5, Section 6).

A fiscal note identifies an estimate of the anticipated change in state or local government expenditures or revenue due to the bill's specific provisions. All bills must have a fiscal note filed with the Clerk of the Legislature and a copy of the note included in standing committee bill books before a bill's public hearing. Copies are also included in all legislative bill books, on the Legislature's UniNet and on the Legislature's

web site. Fiscal notes are revised as legislative bills are amended and advanced to the next stage of debate when such amendments alter revenue or expenditure estimates. Where legislation likely has an expenditure impact on the state, the fiscal note becomes the basis for drafting "A" bills (appropriations) that are companion bills to the substantive legislation. Specific requirements for fiscal notes and "A" bills are outlined in Legislative Rule 5, Section 6.

Interim Work

During interims, the time between legislative sessions, the Fiscal Office provides staff support to the Appropriations Committee and other standing committees in their work with interim studies. General direction may be given by the Executive Board. In addition, the office independently conducts other research projects and helps individual senators find information on state government finances and agency functions.

Revenue Forecasts

Under the direction of the Revenue and Appropriations committees, the Legislative Fiscal Office provides revenue forecasting information to the Legislature. Revenue forecasts generated by the Fiscal Office are reviewed by the Nebraska Economic Forecasting Advisory Board along with forecasts developed by the state Department of Revenue. The board's estimates become the basis for planning General Fund budget conditions for the current and next biennium. The Board meets twice in even-numbered years, three times in odd-numbered years.

The Budget Process

The budget process is governed and guided



by provisions of the Nebraska Constitution, state statutes and the Rules of the Nebraska Unicameral Legislature. Citations are included in the following description. Other aspects of the process have evolved over time to provide for a comprehensive, orderly budgeting function. The Rules, primarily Rule 8, address details of the legislative process. The rule also embodies, in Section 4, a process authorized by the Legislature for standing committee review and activity in formulating appropriations recommendations. This alternate process in Section 4 has been pursued to a limited degree generally focusing on one or two agencies or issues. The following discussion does not integrate the alternate process since it has not been used extensively.

Summary

The following is a summary of the typical milestones and processes leading up to authorization of a full biennial (two-year) budget, which is enacted during regular legislative sessions, held in odd-numbered years (the long, 90-day session).

July 15 — The Department of Administrative Services (DAS) issues forms and instructions to be used by state agencies for their budget requests. The Director of the Legislative Fiscal Office may suggest revisions, changes or additions to the forms before distribution. The budget instructions include a section developed by the Legislative Fiscal Office that restructures the agency budget request into a budget base (a specific percentage of current appropriations) plus a series of prioritized decision/spending packages, above the base level, up to the total request. The base level generally is some percentage less than 100 percent. The material supplements the standard, detailed line-item, fund account by budget program structure (RRS 81-1113 and 81-113.01).

September 15 — Agency budget requests are normally due in DAS Budget by this date; however, late submissions typically are received for several weeks thereafter. The Budget Office requires submission of the official request via a web-based request system, which is available to the Fiscal Office. Budget requests may include personnel cost increases for items or issues that are subject to negotiations with employee bargaining units. Generally, these costs are wage rate changes and other changes to compensation rates, but may also include costs associated with benefits, such as health insurance. As these rates become known, costs are adjusted through the budget process, usually early in the legislative session (RRS 81-1113).

September to January — From the time of the submission of budgets, in September, to the first week of the legislative session, fiscal office staff analysts devote their time to understanding the requests of all agencies, boards and commissions, questioning agencies, and preparing briefing documents to be used later during the staff review phase with the Appropriations Committee. Budget requests are voluminous and detailed; the analyst must isolate the key issues embodied in the request, analyze alternatives and summarize their analysis. The analysis is presented in a standard format that conveys details of what has changed in the request versus current or prior years' spending authorization. DAS Budget analysts similarly are engaged in conducting their own review during this time, working with the governor and staff toward formulating the budget recommendation of the governor.

Early Session — In odd-numbered years the governor is required to submit a budget proposal by January 15, except that in the first year of office a new governor may submit a proposal on or before February 1. The budget recommenda-

tion comes as a bill or bills, and there may be additional explanatory material included, such as a budget book or other handouts. Typically, the budget bill(s) are introduced by the Speaker of the Legislature at the request of the governor. Appropriations bills routinely are referred to the Appropriations Committee. Substantive bills that are instrumental to the governor's budget recommendation are referred to the standing committee having subject matter jurisdiction. Such substantive bills may or may not be offered at the same time as the appropriations bill(s) and are not subject to the January 15 deadline. During the first ten days of the legislative session, other bills are being introduced by senators. Some of these bills will have financial impacts on the state if passed and may require an appropriation to ensure implementation as planned (RRS 81-125 to 81-126).

January and February — The Appropriations Committee meets with Fiscal Office staff to review and discuss the staff analysis of each agency budget request. The initial objective is to develop a preliminary recommendation and report to be submitted to the Legislature 20 to 30 legislative days after the governor's budget submission (Rules of the Nebraska Legislature, Rule 8, Section 2). The Appropriations Committee, after staff reviews, prepares a preliminary report of funding levels considered for each agency and an overall analysis of the spending capacity of state government. These preliminary figures are based on current revenue forecasts, tax rate assumptions and compliance with the statutory reserve requirement. The Preliminary Report and the levels of appropriation estimated therein become the basis of discussion during subsequent public hearings with state agencies and other interested parties. During this time, standing committees (including the Appropriations Committee) are conducting hearings on the substantive bills referred

to them. An integral part of the material available during the hearing is a fiscal note, produced by the staff of the Fiscal Office. The fiscal note is an estimate of the financial impact of the legislation, inclusive of expenditure and revenue impacts (Rules, Rule 5, Section 6). The note becomes the basis for estimating what appropriation may be necessary if the bill becomes law.

March — The Appropriations Committee conducts public hearings on the budget during this time. Hearings notices are published in the Legislative Journal, listed by agency and bills referred to the committee. Agencies, interest groups and the general public are given the opportunity to comment regarding the preliminary recommendation of the committee, agencies' requests, the governor's recommendation or any new issues or items of request not yet before the committee. Fiscal staff monitor the hearings and are not active participants in testimony. During this time, other committees are reporting bills that have had hearings to the floor. New appropriations bills, companions to substantive bills, having the same number but designated with an "A" following the number, are also appearing. These are "A" bills (appropriations) that accompany the substantive bill and provide for the necessary spending authority to implement the legislation (Rules, Rule 5, Section 6). "A" bills may be introduced at any time and generally are considered immediately following each stage of debate of the substantive bill. However, it is not unusual for a bill to advance to Select File before the "A" bill is introduced — it is not the preferred mode of operation, but practical limits in bill drafting, analyzing amendments and refining cost estimates sometimes cause the delay.

As provided in Rule 5, Section 4, the Appropriations Committee may introduce enabling legislation that relates to the appropriations recommendations in the Preliminary Report required in Rule 8.

April — Immediately following the public hearings the Appropriations Committee meets to review all preliminary decisions, information obtained during the hearings and any other information brought to its attention. By this time, the impact of negotiated wage rates and benefits are known, or the range of costs sufficiently narrowed to allow an estimate. For about two weeks, the committee meets to complete a recommendation to be offered to the full Legislature. Fiscal staff help review all information. Once finalized, the recommendation is summarized into a budget book and other supplementary material for distribution on the legislative floor. Most importantly, fiscal staff write the budget bill or bills to be offered, or if the governor's bill or bills are to be used, amendments are drafted. The committee has until the 70th legislative day during a long session to place budget bills on General File. If the 70th day deadline is not met according to the rules, the governor's bills are to be considered. During a short session, the deadline is the 40th legislative day (Rules, Rule 8, Section 5). Typically, more than one bill embodies the Appropriations Committee recommendation. One large bill appropriates most state funds for operations and state aid. A second bill appropriates constitutional officer's salaries. A third is required for legislator's salaries.

A fourth bill typically is offered to make appropriations for capital construction projects. Another bill may be introduced for deficit appropriations (i.e. adjustments to appropriations previously authorized for the current year). It is not unusual for this bill to be considered early in the session, well before other appropriations bills are on General File, since these adjustments may be emergencies that apply to the current year, and time left in the fiscal year is short.

Other bills also may be offered: bills making appropriations for salary increases, increased benefits costs or substantive law changes (such as authorization for a fee and creation of a fund) that implement some aspect of the committee recommendation.

Appropriations bills are exempt from the 10-day limit on introduction of new bills (Rule

5, Section 4). The Appropriations Committee recommendations may be embodied in new bills or existing bills referred to the committee and reported to the floor of the Legislature with or without amendments. Once the bills have been placed on General File, a financial status report for the state General Fund is published to accompany the daily agenda. The status report is produced by the Fiscal Office and is intended to show the probable spending limits given the assumptions embodied in the status such as tax rates, revenue forecasts and the committee's budget recommendation. The status lists each bill, by stage of debate, that has a General Fund cost impact. From this document it can be determined how much of the funds available are used by the committee recommendation, what funds remain and what total spending can be accommodated within the statutory reserve requirement. The status illustrates financial conditions for the biennium for which the budget applies plus the two following years for planning purposes. Though the Legislature is only considering the first two years for appropriations, simulating impacts for two additional years provides useful information on the state's ability to sustain future obligations. Prior to the initial release of the financial status that is attached to the agenda, the Appropriation and Revenue Committees meet as required by rule (Rule 8, Section 7) to agree upon estimates used in the planning years.

Floor Action

The appropriations bills, as offered by the Appropriations Committee which constitute their budget recommendation, are processed much like other bills once they arrive on the floor of the Legislature. On General File, committee amendments (if any) are taken up first followed by other amendments as filed. All other bills having a General Fund expenditure or a General Fund revenue loss are held on Final Reading and may not be read until the appropriations bills, as offered by the Appropriations Committee, pass. By rule, the Legislature is to pass appropriations bills

by the 80th day in a long session or the 50th day in a short 60-day session (even-numbered years). One exception, during the short session, is that other bills may be read after the 45th day even though appropriations bills have not been passed. There is no penalty for not passing appropriations bills as provided by rule, other than the holding of bills during a long session. Though it is desirable to comply, circumstances such as volume of amendments, length of debate and full discussion of appropriations matters can extend passage of the appropriations bills beyond the prescribed deadlines (Rules, Rule 8, Section 5).

Emergency Clause

Appropriations bills almost always carry the emergency clause, thus requiring 33 votes for passage on Final Reading. This is invariably true of deficit bills since the changes affect the current fiscal year, and if the bill passed with fewer votes, it would render the appropriation meaningless since the effective date of the appropriation would occur after the end of the current fiscal year. On very rare occasions fewer votes can suffice where expenditures are delayed into the next fiscal year or the appropriations in the bill are small in comparison to the total appropriation to a program.

Late May — Once appropriations bills have passed and are sent to the governor, the governor has five calendar days, excluding Sunday, to sign, not sign (but the bill takes effect), veto in total or line-item veto items of appropriation (Nebraska Constitution, Article IV, Section 15). Within one

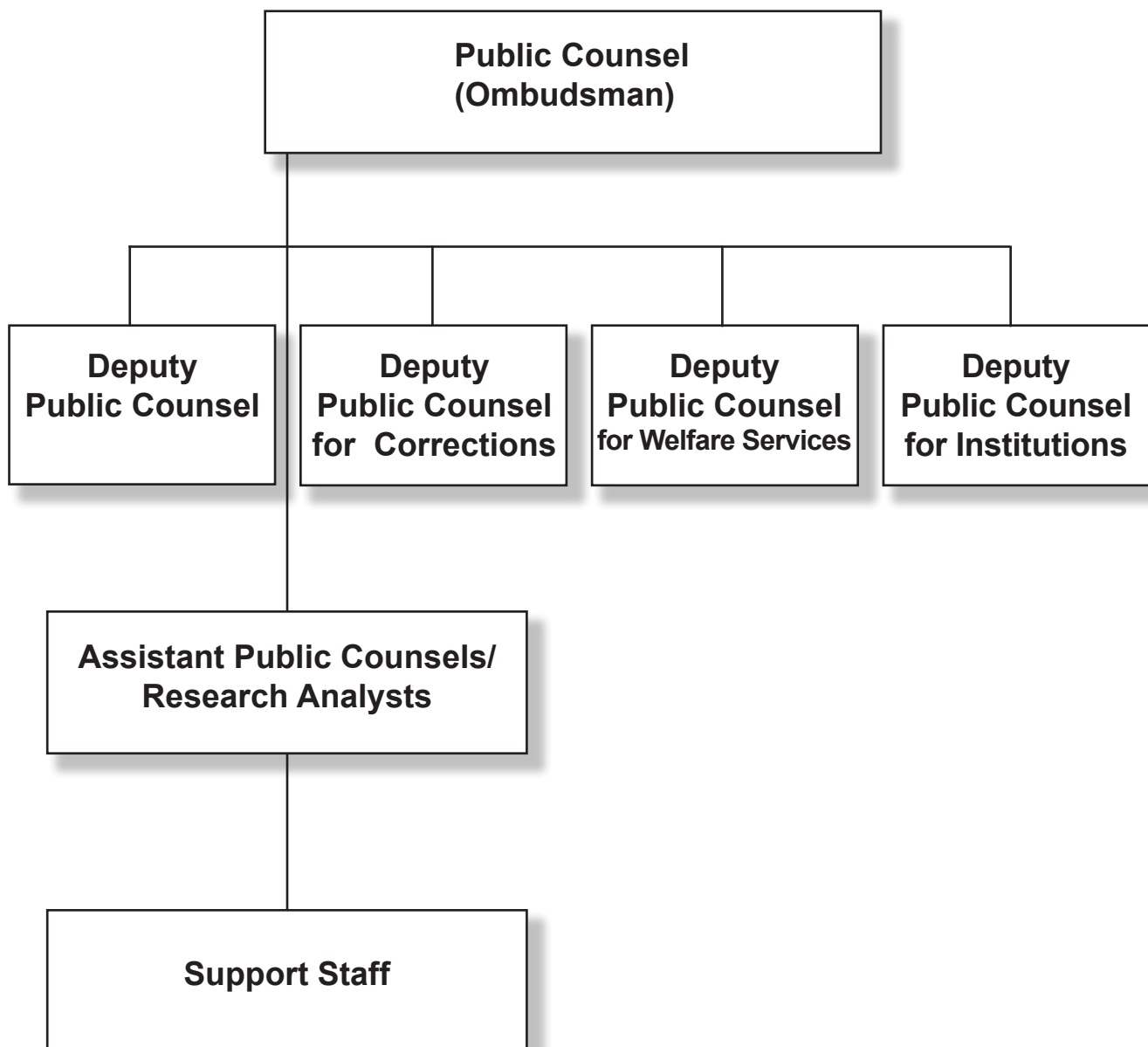
day of the return of appropriations bills to the Legislature with line-item vetoes, the Appropriations Committee must report on the impact of the vetoes and may offer a motion to override the total or part of the line-item vetoes. Subsequent motions may then be offered by the members of the Legislature (Rules, Rule 6, Section 14). The constitutional requirement for a veto override is 30 votes. All final valid appropriations ultimately enacted take effect July 1 of the designated fiscal year or, if passed without the emergency clause, three calendar months after the end of the legislative session. Deficit bills making adjustments to current year appropriations with the emergency clause are effective immediately on passage (Nebraska Constitution, Article III, Section 27).

Short Sessions — Relevant differences with a short session are noted above. Since a short session occurs in the middle of a biennial, two-year period, appropriations already are authorized for the following fiscal year. Consequently, the volume of issues and dollar value of decisions typically is less, though this will vary because of then-current fiscal conditions. The Appropriations Committee is also able to concentrate more time on certain issues that are of greatest concern and interest. Obviously time lines are different, but most of the above elements are part of a short session budget process, compressed into a period that ends with the Legislature's adjournment, typically by mid-April.

PUBLIC COUNSEL (OMBUDSMAN)

Public Counsel (Ombudsman): Marshall Lux
Room: 8th Floor, State Capitol
Phone: 471-2035
Toll Free Phone: 800-742-7690
Fax: 471-4277

Organizational Chart



Functions of Public Counsel (Ombudsman)

The Public Counsel, or Ombudsman, investigates and seeks informal resolutions of citizens' miscellaneous complaints involving administrative agencies of state government and local jail facilities.

The Ombudsman's Office is a service the Legislature provides to citizens who encounter problems in their dealings with state agencies. (The jurisdiction of the office does not include the courts, the Legislature, the governor and his or her immediate staff, political subdivisions or federal government entities, but does include complaints involving local jail facilities.) The powers of the Ombudsman's Office may be viewed as a delegation and specialization of the general oversight functions of the Legislature.

The investigatory powers of the Ombudsman's Office are broad, including freedom of access to agency records and facilities. Those investigative powers are complemented by the many years of experience that the Ombudsman's Office has had in working with state agencies. If an Ombudsman's investigation discloses that a citizen has been treated improperly by a state agency, then the office works with the agency involved to resolve the complaint through appropriate corrective action.

In the process of dealing with citizen complaints and recommending corrective action, the activities of the Ombudsman's Office also effect substantive improvements in the policy and procedures of the agencies under its jurisdiction.

Ombudsman for Corrections

The staff of the Ombudsman's Office includes a Deputy Public Counsel for Corrections, who is primarily responsible for investigating prison/jail-related complaints. Complaints involving correctional issues are a specialized area,

a fact the Public Counsel Act recognized by creating the position of a deputy who would be particularly skilled and experienced in handling complaints in that area. Senators frequently refer complaints received from inmates and inmates' families to the Ombudsman's Office for action by the Deputy Public Counsel for Corrections.

Ombudsman for Welfare Services

The staff of the Ombudsman's Office also includes a Deputy Ombudsman for Welfare Services, whose job it is to investigate and resolve complaints arising from the administration of the state's welfare services system. The person holding this position has expertise in the area of welfare programs and welfare law and is particularly experienced in dealing with issues having to do with children and the family setting. Senators are encouraged to refer any cases involving welfare programs (Aid to Dependent Children, food stamps, Medicaid, general assistance, etc.) and any cases involving state wards (Child Protective Services, foster homes, removal of children from their homes, etc.) to the Deputy Ombudsman for Welfare Services.

Ombudsman for Institutions

The staff of the Ombudsman's Office includes a Deputy Public Counsel for Institutions, who is to specialize in dealing with issues that relate to non-correctional state institutions, including the Regional Centers, Beatrice Developmental Center and the state-operated Veterans Homes. The Deputy Public Counsel for Institutions also has an involvement in investigating certain complaints of persons receiving community-based behavioral health services from regional behavioral health authorities.

Information and Referral Service

Besides handling complaints, the Ombudsman's Office also provides general information about state government to the public. Broad exposure to the operation of state government and direct access to various agencies enable the Ombudsman's Office to provide citizens with information that they may otherwise have difficulty finding. The Ombudsman's Office also can be a referral service in those instances where it is presented with a complaint that is not under the jurisdiction of the office.

General Studies

The Ombudsman's Office also has the authority to initiate or participate in general studies that may enhance knowledge about, or lead to improvements in, the way state government administrative agencies function. In performing this role, the Ombudsman's Office has initiated general inquiries into a wide variety of subjects concerning state government administration. The Ombudsman's Office also participates in many interim studies in cooperation with the Legislative Research Division, the Legislative Fiscal Office and senators' staff.

Assistance to Senators

The Ombudsman's Office handles about 2,400 cases annually and has experienced a dramatic increase in its caseload in the last several years.

Most of the Ombudsman's cases are matters brought directly to the office by citizens making complaints. However, many of the Ombudsman's cases also come from senators who ask the office to help investigate and resolve complaints and fill requests for information that senators receive from their constituents. In this way, senators are able to bring the considerable expertise of the Ombudsman's Office to bear in the resolution of constituent problems. This approach also enables senators and their constituents to take advantage of the investigatory skills and powers (access to records and facilities, etc.) of the Ombudsman's Office.

If you would like the help of the Ombudsman's Office, you may either ask us to help your staff resolve constituent problems or you or your staff may simply refer your constituents to the Ombudsman's Office. Naturally, if you make such referrals, the Ombudsman's Office will advise you of any action taken.

LEGISLATIVE AUDIT AND RESEARCH OFFICE

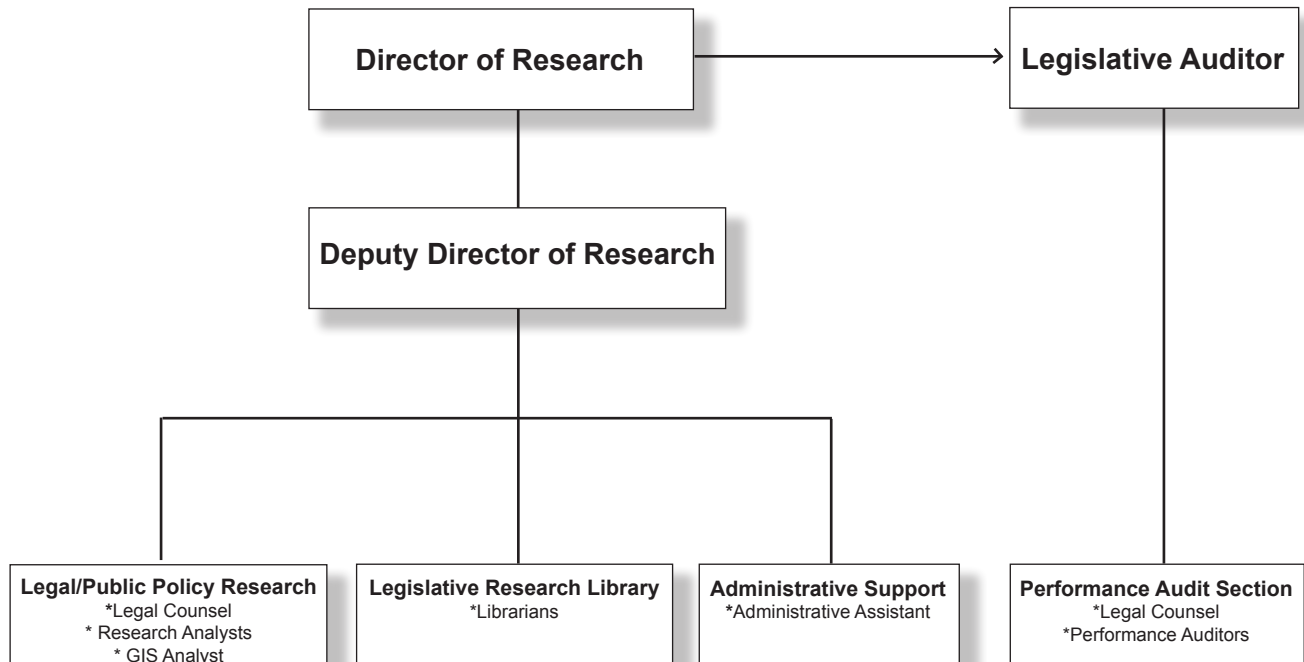
Director of Research: Cynthia Johnson

Legislative Auditor: Martha Carter

Room: 1201

Phone: 471-2221

Organizational Chart



The Nebraska Legislature appoints its Director of Research and Legislative Auditor under the authority of Nebraska Revised Statutes, Section 50-401.01. The Legislative Audit and Research Office has three major areas of responsibility: public policy research (general and legal), the Legislative Library and legislative performance audit.

A description of the services performed in conjunction with these three areas follows.

Research

Legal, Public Policy Research

The office employs a group of research analysts and a legal counsel who provide public policy and legal research for the Legislature under the supervision of the Director of Research.

During the legislative session, members of the research staff respond to questions submitted by senators' offices. In general, the research that is done during session is of a short-term nature and covers a wide variety of topics related to public policy issues being addressed by the Legislature. The research supplements that done by senators' personal staffs, and senators may call on the office when their staffs are unable to provide research due to a lack of time or expertise in the area under consideration.

To a great extent, Research Office staff members turn their attention to longer-term projects during interims. They are available to participate in major interim studies, and they work on selected in-depth special projects requested by the Executive Board, the Speaker and committee chairs.

Members of the Research Office staff are available to give direction to senators' staff members when they have questions about how to proceed with a research project. Via individual orientation sessions with new legislative staff, the

Research Office helps senators' staff members gain access to research tools available within and outside the Legislature.

Requests for research assistance from the office may be directed to the Director of Research or the Deputy Director of Research, who will assign the question to the appropriate staff member. Requests may be submitted in writing or by phone, e-mail or personal visit.

Redistricting

The Research Office has been closely involved with redistricting since 1990, providing all of the legal, technical (GIS) and administrative staff support required for the process in 2001. The Director of Research has been designated by the Chairperson of the Executive Board, the Speaker of the Legislature and the Governor as the state's liaison with the United States Census Bureau for purposes of the 2010 Census and redistricting. During the years leading up to 2011, when redistricting will be done, the Research Office will coordinate preliminary redistricting-related work that will be done in conjunction with the Census Bureau and local governments.

Legislative Issues Symposium

The Deputy Director of Research is responsible for coordinating the Legislative Issues Symposium. The Symposium is ordinarily held every other year during the autumn. Its purpose is to bring Nebraska state senators together to take an in-depth look at an issue or issues of importance to state policy makers. In the recent past, the two-day event has been held at one of the state parks with overnight accommodations.

Legislative Library

The Legislative Library is located within the Research Office. It is a non-traditional library in

the sense that its collection is defined by its users and their needs. Users in this setting include senators and legislative and division staff. The Deputy Director of Research is responsible for the supervision of the Legislative Library.

The library maintains a collection of approximately 6,000 titles, including books and periodicals, on topics of interest to policy makers. The Legislative Library catalogue is computerized and can be accessed in legislative offices via the UniNet. In other words, senators and legislative staff can use the computers in their offices to locate reference materials, books, periodicals, and state and federal government documents housed in the library.

Following is a list of specific services offered by the Legislative Reference Library:

Reference Collection

The Legislative Library maintains a reference collection that includes general reference tools such as *The World Almanac*, *Bartlett's Familiar Quotations*, and *The Book of the States*. More specialized reference materials contained in the collection include the *Commerce Clearing House (CCH) State Tax Guide*, the *Nebraska Directory of Municipal Officials* and the *Nebraska State Bar Directory*.

InterLibrary Loan

InterLibrary Loan (ILL) is another service offered by the library. If a patron has need for materials (books, articles, etc.) not in the library collection, the staff will interlibrary loan the material from an external source (i.e., another library). Interlibrary loan makes the resources of approximately 15,000 libraries throughout the United States available to senators and legislative staff.

Acquisitions (Orders)

If a library patron needs material that is not in the library collection, is unavailable through InterLibrary Loan, and is something that should be added to the library collection, the staff will purchase the material, subject to approval by the Director of Research. If a purchase request is denied, alternative means of accessing the desired information will be suggested.

The library publishes a quarterly acquisitions list of materials that have been added to the collection.

Reference Service

Library staff answer reference requests submitted by senators, their staffs and divisions. The library will locate relevant information as quickly as possible in response to patrons' requests. Inquiries vary from simple requests for material on hand in the library to complex searches of various computer databases.

Databases

The library has access to a number of governmental and commercial databases. The databases frequently used by the library include:

- OCLC (Online Computer Library Center) — an international computer network that libraries use to order and catalog books and other library materials, arrange interlibrary loans, and maintain location information on library materials.
- PROQUEST — an information network of more than 5,000 searchable news-source databases from the United States and around the world, including national magazines and newspapers. ProQuest enables the library staff to find articles

published in the past by the news sources included in the service.

- **NEBRASKA ACCESS** — an interactive online information network hosted by the Nebraska Library Commission that references books, journal articles and other materials available in a given subject area. Nebraska Access is comprised of several databases that enable users to search for specific journal articles or to search subjects for a listing of relevant articles.
- **IRIS** (Innovative Research Information System) — the University of Nebraska-Lincoln Library's online public access catalog.
- **Lincoln City Library's** computerized card catalog.

Circulation of Material

The Library receives approximately 124 periodicals which deal with public policy issues. The vast majority of these periodicals (88 percent) are routed to legislative users who choose periodicals of interest to them from the Annotated Periodicals List published by the library.

Newspapers

Local and national newspapers available for use in the library include:

- Omaha World-Herald (daily and Sunday)
- Lincoln Journal Star (daily and Sunday)
- New York Times
- Washington Post
- Wall Street Journal

As a service to legislative patrons, the library retains back issues of the above newspapers for six to 12 months, depending on the publication.

Nebraska Reports, Nebraska Legislative Journals, Session Laws

The library collection includes the Nebraska Reports (which report opinions of the Nebraska Supreme Court) dating back to 1901, as well as the Nebraska Legislative Journals and the Laws of Nebraska (Session Laws) dating back to 1855.

Browsing Area

The library maintains a browsing area for its patrons. The browsing area is convenient to the entire library collection, including newspapers. It also includes a computer station that can be used by senators and legislative staff for accessing the online library catalogue and various databases.

Performance Audit

The Legislative Performance Audit Act defines a performance audit as:

an objective and systematic examination of evidence for the purpose of providing an independent assessment of the performance of a government organization, program, activity, or function in order to provide information to improve public accountability and facilitate decision making by parties with responsibility to oversee or initiate corrective action.

The act reflects the Legislature's belief that performance auditing is a vital aspect of its responsibility to oversee state agency programs in order to help make them as efficient and effective as possible.

The Legislature's Performance Audit Section is comprised of six staff members — the Legislative Auditor, a Legal Counsel and four analysts.

The section does performance audits in accordance with the U.S. Government Accountability Office's Generally Accepted Auditing Standards (also known as the "Yellow Book Standards").

Audit topics are selected by the Legislative Performance Audit Committee from suggestions made by state legislators and constitutional officers. The committee is comprised of the Speaker, the chairpersons of the Executive Board and the Appropriations Committee, and four other members of the Legislature chosen by the Executive Board. The committee functions as a legislative oversight committee with responsibility for the performance audit process. In addition to selecting state agency programs for audit, its responsibilities include approving audit plans, reviewing and releasing completed audit reports, and monitoring agency compliance with audit recommendations.

COORDINATOR OF LEGISLATIVE SERVICES

Coordinator: Chuck Hubka

Room: 1503

Phone: 471-2717

General Responsibilities

The responsibilities of the Coordinator of Legislative Services include coordinating logistics for senators and divisions; directing the physical setup of hearing rooms, meeting rooms and the legislative chamber; monitoring conditions in legislative offices and hearing rooms and directing that necessary improvements be made; and responding to senators' requests.

Office Space and Furnishings

The Coordinator of Legislative Services is responsible for coordinating acquisition of office space, floor planning, and office moving for the Legislative Council. If you have any questions regarding office moves or office space, please contact the Coordinator.

Requests to purchase, repair or move office furniture should be made to the Coordinator of Legislative Services.

Repair requests such as broken locks, burned-out light bulbs and heating and cooling concerns

should be directed to the Coordinator of Legislative Services.

Telephones

Telephone repair requests should be directed to the Coordinator of Legislative Services, who will then contact the repair company.

Parking

Questions about parking in the Executive Parking Lot (the lot across the street east of the Capitol) should be directed to the Coordinator of Legislative Services.

Hearing Rooms and Meeting Rooms

Questions regarding the setup of hearing rooms, meeting rooms and food service in these rooms, as well as requests for equipment should be directed to the Coordinator of Legislative Services. Requests to schedule a legislative hearing or meeting room should be directed to the Human Resources Coordinator within the Clerk's Office.

Construction Projects

The Coordinator of Legislative Services coordinates with the Office of the Capitol Commission and outside contractors regarding construction projects within the legislative environment.

Videoconferencing

Questions about use of the videoconferencing and teleconference systems for legislative hearings or meetings should be directed to the Coordinator of Legislative Services.



SENATORS' PAY AND BENEFITS

Salary

Your salary, established in the state constitution, is \$12,000 annually. You will be paid \$1,000 on the last working day of each month. If it is more convenient, you may have your checks deposited directly into your bank account.

Benefits

Health Insurance

You are eligible for health insurance benefits at the state group rate, although you must pay the entire premium. Health insurance options include:

BlueCross offers the following options:

- **PPO**
- **High Deductible PPO** — if you elect this coverage, you will have different prescription benefits (see below)
- **Blue Choice POS**
- **Blue Select HMO**

For a list of participating providers, please access the BlueCross web site at www.bcbsne.com (NOTE: There will be a hard copy of each directory available for employees to view in the Legislative Accounting Office).

Prescriptions — The State of Nebraska is partnering with Express Scripts, Inc. (ESI), to provide Nebraska's Prescription Drug Card Program. This will apply regardless of what type of Blue Cross coverage you elect. You cannot enroll in just the prescription coverage. There is an added tier of costs for specialty medications. (Please go to the web site, <https://member.express-scripts.com/preview/stateofnebraska> or www.express-scripts.com for a list of participating

pharmacies.) Please note that if you enroll in the Blue Cross High Deductible PPO you will have different pharmacy benefits.

Other benefits available to you include:

- Dental Insurance
- Life Insurance
- Vision Insurance
- Long-Term Disability Insurance
- Deferred Compensation Plan
- Flexible Benefit Plan — Includes Dependent Care and Medical Reimbursement Accounts, which allow you to pay for benefits before taxes are paid
- Workers' Compensation
- U.S. Savings Bonds
- Nebraska State Employees Credit Union
- Employee Assistance Program (EAP)

Changes to your benefits are permitted only during the annual open enrollment period. However, you may enroll and/or change your elections during the year if you experience a change in qualifying event.

These events include:

- Marriage, divorce, legal separation
- Birth or adoption of a child
- Death of a spouse or dependent child
- Dependent losing eligibility due to age, student status or marriage
- A change in employment status for you or your spouse, if it affects your benefit eligibility
- A change corresponding with a spouse's open enrollment period at his or her place of employment

Expense Reimbursement

There are two different systems of reimbursement for expenses: session and interim expenses. Both types of reimbursements may be directly deposited into your bank account.

Sessional Expense Reimbursement System (per diems)

You will receive reimbursement for mileage and expenses for days the Legislature is in session.

At the end of each month, you will receive a form on which to record the number of round trips you have taken during the month and the number of days spent in session.

Under a policy adopted by the Executive Board, the reimbursement rates are based on the distance between the Capitol and a senator's residence. If you live more than 100 miles (round trip) away from the Capitol, you are allowed reimbursement for one round trip each week coupled with a per diem rate of \$109 per legislative day. If commercial travel is warranted, the actual cost of such commercial transportation may be reimbursed. However, if the actual cost of commercial transportation exceeds the mileage reimbursement rate, then approval must be obtained on an annual basis from the Chairperson of the Executive Board. If you live fewer than 100 miles (round trip) away from the Capitol, you are allowed reimbursement for one round trip each day the Legislature is in session. There is a smaller per diem rate of \$39 per legislative day for legislators living within 50 miles of the Capitol. (The Legislature's sessional expense reimbursement policy appears in this section.)

Expense Records

Because of constitutional construction, it is necessary that all legislators maintain adequate expense records to ensure that per diem payments received do not exceed actual expenses incurred

throughout the year. A calendar is provided to all members to assist in this expense recordkeeping requirement. An expense verification of randomly selected legislators is conducted twice during each legislative session by an independent accounting firm chosen by the Executive Board. Briefings are conducted before each verification to answer any questions you may have. In the meantime, feel free to contact the Executive Board, the Clerk of the Legislature or the Assistant Clerk for more information.

Interim Expenses

It should be noted that all travel, other than to and from the capitol office, must be approved by the chairperson of the Executive Board, or his or her designee, before the trip. After you have returned from your trip, you should complete an expense document and submit it to the Accounting Office for reimbursement, which is usually made within a two-week period.

Receipts must be submitted for lodging, registration, airfare and meals. Employees traveling on state business shall claim only actual amounts paid for meals. Employees should not submit claims based on any per diem amount. (The federal maximum per diem standard rates are only a guideline and should not be claimed.)

Agencies are responsible to see that all submitted claims for meals are adequately substantiated. Under the state's accountable plan, the Internal Revenue Service requires employees to substantiate the cost for meals if receipts are not available by indicating the place, time and amount of the meal/food cost. A combination of receipts and detailed itemization is permitted.

The policy on reimbursement for meals is as follows:

One day trip: No meals allowed.

Overnight trip: Departure day, leave home by 6:30 a.m., breakfast allowed; leave by 11 a.m., noon meal allowed; leave by 5 p.m., evening meal allowed. Return day, arrive home after 2 p.m., noon meal allowed; after 7 p.m., evening meal allowed.

It is imperative that you fill in your departure and return time.

Under an expense reimbursement policy adopted by the Executive Board, a calendar is provided to all members on which to record expenses. Verifications of senators' expenses, selected at random, will be conducted twice during the course of the legislative session.

SESSION EXPENSE REIMBURSEMENT POLICY

Reimbursement Rate

Sections 50-201 and 50-202, R.R.S. of Neb. 1943, authorizes the payment of necessary expenses to members of the Legislature for expenses paid or incurred while performing in their official capacity as a member of the Legislature. The Executive Board has adopted an expense reimbursement plan which operates as follows:

- a) For those senators who reside more than fifty (50) miles from the State Capitol, the Legislature provides reimbursement to the members of an amount equal to the federal reimbursement rate (which currently is \$109) times the number of legislative days in a regular or special session. In addition, a member receives mileage reimbursement for one round trip per week from the senator's home to the State Capitol. Members who live beyond the fifty (50) mile radius are entitled to receive the weekly allowance only if they are present for one or more legislative days during that calendar week. Reimbursement for travel by automobile shall be at the state mileage reimbursement rate. If commercial travel is warranted, the actual cost of such commercial transportation may be reimbursed. However, if the actual cost of commercial transportation exceeds the mileage reimbursement rate, then approval must be obtained on an annual basis from the Chairperson of the Executive Board.
- b) For those senators who reside within fifty (50) miles of the State Capitol, the Legislature provides reimbursement to the members of an amount equal to the federal reimbursement rate for meals and incidental expenses (which currently is

\$39.00) times the number of legislative days in a regular or special session. In addition, the member receives mileage reimbursement for those legislative days that he/she actually attends a daily session or a committee meeting on that same day. Mileage is reimbursed at the statutory state mileage reimbursement rate from the senator's home to the State Capitol and back.

The rate established for reimbursement of members who live over fifty (50) miles from the State Capitol is based on what the federal government allows in terms of expenses for its employees when they are in Lincoln on government business. The rate is established by the General Services Administration and covers, among other items, lodging, meals and incidental expenses.

For those members who reside fifty (50) miles or less from the State Capitol, expenses include, among other things, meals and incidentals. It is assumed that these members will commute between their home and the State Capitol. The fifty (50) mile standard is the same used by the Internal Revenue Service in applying section 162(H) as it relates to "Tax Home Determination" by state legislators.

Legal History

The Nebraska Supreme Court, in both State ex rel Douglas vs. Beermann, 216 Neb. 849 (1984) and State ex rel Spire vs. Public Employees Retirement Board, 226 Neb. 176 (1987), recognizes that expenses that relate to fulfilling the duties associated with service in the Legislature are reimbursable. The standard for necessary expenses which may be reimbursed are those which have been actually paid or legally incurred during the year. (Emphasis added). Members receive no

compensation for their services in excess of the amount prescribed in the Nebraska Constitution.

The Executive Board is responsible for defining the parameters of what types of expenses are reimbursable, consistent with the provisions of Section 50-203. It is the policy of the Executive Board that members of the Legislature shall be reimbursed only for ordinary and necessary expenses paid or incurred in the performance of their duties to the state as legislators.

The term “ordinary and necessary expenses paid or incurred” is the standard prescribed by the Internal Revenue Service for deductible expenses associated with carrying on a trade or business. The Executive Board shall look to those rules and regulations for guidance in determining what expenses are “necessary” expenses in performance of a member’s duties as a state legislator.

The reimbursement policy is, in part, designed to represent a cap on reimbursed expenses, rather than establishing items which are deductible.

Reimbursable Expenses

Because of the variation between legislative districts and members’ responsibilities, no comprehensive list of expenses can be established. However, the Executive Board may determine whether a specific expense is reimbursable under the sessional expenses reimbursement plan.

The following constitutes a list of some of the kinds of expenses that are considered reimbursable under the operation of the sessional expenses reimbursement plan.

- Expenses related to attending legislative sessions
- Expenses related to intra-district travel (e.g., transportation expenses, meals, parking)
- Expenses related to statewide travel (e.g., transportation expenses, lodging, meals, parking)

- Expenses related to travel to and from Lincoln (e.g., transportation expenses, lodging, meals)
- Expenses related to attending conferences and/or seminars (e.g., transportation expenses, lodging, meals, registration fees, parking)
- Expenses related to carrying out legislative duties from home or business office (e.g., telephone expenses, secretarial assistance, meals, office equipment and supplies)
- Miscellaneous expenses related to carrying out legislative duties (e.g., magazine and newspaper subscriptions, expenditures for promotional activities, dues, fees for professional services, costs associated with constituent meetings and services)

The Chairperson of the Executive Board shall review the system for reimbursing the members and may recommend any changes, if necessary, to make certain that the reimbursement amount does not exceed expenses paid or incurred.

To that end, it shall be necessary for all individual senators to maintain expense records. The records maintained shall be of a similar type of record necessary to meet the “deductibility” test as developed by the Internal Revenue Service through its various regulations and tax court rulings. However, detailed records, as they relate to meals, need not be kept as long as there is some record of attendance at a function that the individual legislator attends.

Verification Process

The Executive Board shall contract with a certified public accounting firm for purposes of verifying the actual expenses records, as kept by members, in relationship to the sessional reimbursement received. The accounting firm shall be responsible for verifying that expense reimburse-

ment payments do not exceed expenses actually paid or incurred by the individual members.

The verification process shall be conducted so as to be consistent with auditing procedures as they relate to tax audits. Some of the elements of the verification process are as follows:

1. It will be the responsibility of the certified public accounting firm selected to meet the GAAS requirements, to the extent such requirements are applicable.
2. Legislators will be assigned a number so that a computer may then randomly sample a group of 10-12 legislators twice during the course of a regular legislative session. No senator shall be required to have his or her expense records reviewed more than once during a two-year legislature.
3. The Executive Board will create a profile for each senator, which will include information such as location of home district, number of miles from Lincoln and a recap of actual monies paid under the sessional expenses reimbursement system. This information will be supplied to the accounting firm.
4. The Executive Board, with guidance from the accounting firm, will provide senators with a format to present their expenses to the accounting firm. Guidelines as to acceptable explanations for those expenses not directly associated with the legislative sessions will also be provided to the legislators.
5. The Executive Board will provide senators with a log to assist in the record-keeping requirements.
6. All expenses will be examined at least until enough have been verified to meet the payments received.
7. The Executive Board, as opposed to the accounting firm, will make the determination as to what types of expenses are reimbursable.
8. The generally accepted auditing standards to be utilized include the following:
 - A. The engagement is to be performed by a person or persons having adequate technical training and proficiency as an auditor.
 - B. In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors.
 - C. Due professional care is to be exercised in the performance of the verification process.
 - D. The work is to be adequately planned, and assistants, if any, are to be properly supervised.
 - E. Sufficient competent evidential matter is to be obtained through inspection, observation, inquiries and confirmations to afford a reasonable basis for the auditor to report on the members' compliance with the expense reimbursement policy.
 - F. The report shall either contain an expression that the member has complied with the provisions of the expense reimbursement policy or a description of each instance of noncompliance.

Twice during each regular legislative session the accounting firm shall randomly select 10-12 senators for a records verification by the accounting firm. The verification shall be designed to ensure that sessional expense payments do not exceed expenses paid or incurred. The account-

ing firm shall report its findings to the chair of the Executive Board, who in turn shall report the results in writing to the Attorney General.

Pursuant to the provisions of 84-712.05, expense records maintained by individual senators shall be kept confidential. However, when required by the chair of the Executive Board, each member shall produce, for the accounting firm's verification, his or her expense records. The accounting firm will maintain the confidentiality of the expense records verified.

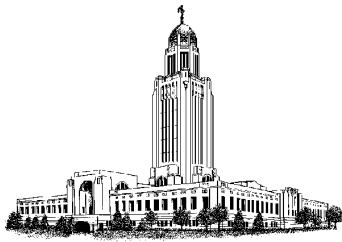
The first verification, as called for, shall be no later than the 45th legislative day in a long session and no later than the 30th legislative day in a short session. The second verification shall be completed as soon as possible following the sine die adjournment of the regular session.

Should a member refuse to disclose his/her expense records, as requested by the accounting firm, then such member shall not be entitled to expenses reimbursement, as currently allowed

under the expense reimbursement system. Furthermore, any member who refuses to disclose his/her expense records may be required to remit to the state any sessional reimbursement amounts received during that session.

In addition, if the verification process utilized by the accounting firm shows that a member has in fact received expense monies in excess of expenses actually paid or incurred, then one of two actions will occur: First, that member's sessional expense reimbursement may be reduced by the number of legislative days times the daily rate that comes closest to the amount of the projected excess; or in the alternative, the member shall, upon written notice by the Executive Board Chairperson, immediately remit to the state the amount of any excess payment.

Ultimate responsibility for ensuring the integrity of the sessional expenses reimbursement system rests with the individual member. (10/1/07)



NEBRASKA UNICAMERAL LEGISLATURE
EXPENSES REIMBURSEMENT

SENATOR

Pursuant to Section 50-201 and 50-202, R.R.S. of Nebraska, 1943, and the Legislature's policy on payment of necessary expenses of actual monies paid or legally incurred in performance of my duties for and on behalf of the state for the period commencing with the first day following the adjournment sine die of the last regular session of the Legislature through today, I request reimbursement for those expenses as follows:

1) _____ Legislative days claimed during the month of _____, 20____ \$ _____
@ \$ _____ per day

Senators who reside more than fifty (50) miles from the State Capitol and those who reside fifty (50) miles or less from the Capitol will be paid the corresponding current federal reimbursement rate as established by the General Services Administration for the Capitol city per legislative day.

2) Transportation Reimbursement

_____ a. Round trips at _____ miles per trip @ \$.585 per mile \$ _____
_____ b. Round trips to commercial transportation at _____ miles per trip @ \$.585 per mile \$ _____

Commercial transportation as previously authorized by the Executive Board Chairperson \$ _____

For senators who live more than fifty (50) miles from the State Capitol, one (1) round trip per calendar week will be allowed. If commercial travel is warranted, the actual cost of such commercial transportation may be reimbursed. However, if the actual cost of commercial transportation exceeds the mileage reimbursement rate, then approval must be obtained on an annual basis from the Chairperson of the Executive Board. For those senators who live fifty (50) miles or less, a daily mileage is authorized for those days the Legislature meets in session.

TOTAL AMOUNT \$ _____

I hereby certify that the amount claimed is a proper charge against the State of Nebraska for expenses paid or incurred by me in my capacity as a state senator during the period commencing with the first day following the adjournment sine die of the last regular session of the Legislature through today and that payment has not been received.

Senator's Signature

Date

(Please return this form to Legislative Accounting.)

DOCUMENT NO. _____
WARRANT NO. _____
WARRANT DATE _____

Electronic deposits will post to your account on warrant date.

GUIDELINES FOR LEGISLATIVE EXPENSE VERIFICATION PROCESS

The following guidelines summarize the standards that will be used by the Dana Cole Company for the 2009 legislative expenses verification process:

Meals — Receipts will be required if the amount exceeds \$39 a day or if the period of attendance is over two nights and it is during non-session days.

Auto — The expenses for auto use will be at the federal rate, which currently is .585 cents per mile effective July 1, 2008. Either this rate or the total actual expenses of the auto use plus depreciation times the percentage of legislative use, whichever is higher, can be used.

Living or Accommodation Expense — These expenses will be allowed as long as they are reasonable including fees which are considered rent by definition. If a larger than normal space is used, because of family members, then only a portion of the living expenses will be allowed. Adequate documentation will be lease agreements or cancelled rent checks.

Office in Home Expense — This expense will be allowed only for those senators residing outside of Lincoln because the Lincoln senators are able to use their state offices. Allowed expenses will be the same as those allowed under the Federal Tax Code.

Entertainment — These expenses are allowed as long as they qualify as expenses related to carrying out legislative duties. Social club dues (i.e., Rotary Club) are not allowable.

Advertising and Promotion — Any advertising or promotion, as long as it is not part of the individual's campaign expenditures, will be allowed. The statement of support form available in the Clerk's Office will sufficiently substantiate any of these qualified expenditures. Other

statements, memos, or appointment calendar notations accompanied by cancelled checks will also suffice.

Contributions — These will not be considered allowable expenses for the reimbursement policy; however, most of these types of expenses could be reclassified as meals or promotion and will be allowable under those categories.

Gifts — These are allowed up to \$25.00 per person as long as they relate to the business of legislative duties.

Travel and Expenses — Any travel and expense, regardless of whether inside or outside the legislative district, must relate to the performance of legislative duties to be allowable.

Incidental Expenses — These expenses, connected with legislative duties, will be considered allowable to the extent of \$20.00 per month without the normal substantiation.

The monthly calendar record books will be sufficient for most of the meal, auto, and office expenses; however, receipts for other types of expenses will be required for substantiation. Examples of these receipts are phone records, supply receipts, service or employee contracts, and airline tickets.

The period selected for the first verification process will cover expenses incurred beginning on the first day of the interim, following the previous regular session, through the end of February. The period selected for the second verification process will cover expenses incurred from the first day of the interim following the previous regular session through the end of the regular session.

If you have questions, please feel free to call Elaine Booth, Dana F. Cole Company, at (402) 479-9300.

INTERIM EXPENSE REIMBURSEMENT

Please refer to the Travel Policy contained in the Legislative Council Policy Manual as to guidelines, policies and procedures to be followed.

Interim expenses are reimbursed for the actual expenses incurred. Original receipts for lodging, registration, airfare, conference fees and all other original receipts should be attached to the expense document.

Although receipts are not required for actual meal expenses incurred unless the expenses exceed IRS guidelines, the IRS (under the state's accountable plan) requires employees to

substantiate the cost for meals if receipts are not available by indicating the place, time and amount of the meal/food cost. Senators and staff are strongly encouraged to provide receipts. A combination of receipts and detailed itemization is permitted.

Travel expense reimbursement for either in-state or out-of-state travel, other than to and from the Capitol office, must be authorized prior to the travel event by the Chairperson of the Executive Board or his or her designee.

SENATORS' STAFF

Senators' staff

Under the Legislature's personnel policy, as a freshman legislator, you may hire two people for your office — an administrative assistant and a legislative aide.

Administrative assistant

An administrative assistant works under the general supervision of a senator and performs work involving secretarial services, administrative services, public relations, office management and other work as required. An administrative assistant is classified as a "salary grade C" position. The hiring rate for an administrative assistant is \$24,821 annually, which means \$2,068.42 monthly or \$11.933 hourly.

Legislative aide

A legislative aide works under the general supervision of a senator and performs work involving research, writing, public relations, constituent services, office management and other related work as required. A legislative aide is classified as a "salary grade E" position. The hiring rate for a legislative aide is \$32,827 annually, which means \$2,735.58 monthly or \$15.782 hourly.

More extensive job descriptions, including examples of the work required for these two positions, appear later in this section. Copies of the Legislative Classification and Pay Plan can be obtained from the Legislature's Accounting and Budgeting Office. This office also will respond to any questions that you might have about personnel issues.

According to the pay plan, all employees must be hired at the hiring rate of the salary grade for their positions. However, an applicant may be hired at up to 12 percent above the hiring rate if

the person has training or experience that exceeds the entry level knowledge, abilities and skills required for the position. For more information on this matter, refer to the pay plan.

Your staff will have the option of receiving their paychecks every other week or monthly. They also may have their paychecks deposited directly into their bank accounts.

You are responsible for signing your staff's time sheets, which are due on the last day of a pay period or the following Monday. If a staff person works on a regular basis at least half-time, that person is eligible for all benefits in proportion to the time worked. Regular employees working less than half-time are not eligible for insurance benefits.

Temporary employees who work at least 20 hours per week and have at least a six-month continuous long-term assignment are eligible for (non tax sheltered) health, dental and long-term disability coverage.

Employee Assistance Program

The Nebraska Legislative Council has partnered with Best Care Employee Assistance Program (EAP) to provide you and your staff confidential counseling and support. Everyday life can be stressful, and prolonged stress can affect health, well-being and performance. Your Best Care EAP is available to provide assistance in finding solutions. Short-term counseling and consultation services are available for you, employees and dependent family members. Best Care EAP professional, licensed counselors will also provide referrals to community resources for continued care, if necessary.

Best Care EAP, which is available statewide, offers confidential in-person, telephone and online assessment, counseling and follow-up for a wide range of concerns including (but not limited to):

- Stress
- Grief and Loss
- Life Transitions
- Marital/Relationship Concerns
- Substance Abuse
- Depression
- Family Struggles

Best Care professionals are also available to provide consultation and assistance to senators and supervisors in dealing with employees having attendance, conduct or other job performance problems.

Best Care EAP is an effective solution to many of the problems employers and employees face. For more information about Best Care EAP services, or to schedule a confidential consultation or appointment, call (800) 666-8606 or (402) 354-8000. Information about EAP services, as well as a great deal of health and wellness information can also be accessed on the web site at *www.BestCareEAP.org*.

Senator Login:

USER:	bclegma
PASSWORD:	leg

LEGISLATIVE CLASSIFICATION AND PAY PLAN/PERSONNEL POLICIES

The Legislative Classification and Pay Plan was adopted by the Executive Board on December 10, 1983, and it has been revised periodically since then. The latest revision was adopted September 29, 2006. It includes the components of the pay plan for senators' staff and division staff, staffing patterns, job descriptions and salary grade ranges.

The following are the job descriptions for the administrative assistant and legislative aide positions and personnel policies for Legislative Employees. Additional copies of these documents may be obtained in the Accounting and Budget Office.

Staffing Patterns

Staffing Patterns

The following represents the staffing patterns that are currently being followed.¹

Non-Chairpersons

- 1 Administrative Assistant
- 1 Legislative Aide

Standing Committee Chairpersons of One Day Committees

**Agriculture
Business and Labor
General Affairs**

**Retirement
Urban Affairs**

- 1 Committee Clerk
- 1 Legislative Aide
- 1 Legal Counsel or Research Analyst

Standing Committee Chairpersons of Two or Three Day Committees

**Appropriations
Banking
Education
Government
Health**

**Judiciary
Natural Resources
Revenue
Transportation**

- 1 Administrative Assistant
- 1 Committee Clerk
- 1 Legislative Aide⁷
- 1 Legal Counsel or Research Analyst
(except Judiciary, Education² and Revenue³ are allowed LC/LC, LC/RA or RA/RA)

Non-standing (Select) Committee

Rules

- 1 Administrative Assistant
- 1 Legislative Aide
- 1/2 Legal Counsel or Research Analyst

or

- 1 Administrative Assistant
- 1 Legal Counsel or Research Analyst

Executive Board Chairperson⁵

- 1 Committee Clerk
- 1 Legislative Aide
- 1 Legal Counsel or Research Analyst
- 1 Coordinator of Legislative Services
- 1 Assistant to the Coordinator of Legislative Services

Speaker^{4, 8}

- 1 Assistant to the Speaker
- 2 Legal Counsels, with the option of one of those two positions being a Research Analyst

Building Maintenance⁶

- 1 Administrative Assistant
- 1 Legislative Aide or Research Analyst

Intergovernmental Cooperationⁱ

- 1 Administrative Assistant
- 1 Legislative Aide

The Executive Board shall supervise all services and service personnel of the Legislature and may employ and fix compensation and other terms of employment for such personnel as may be needed to carry out the intent and activities of the Legislature or of the board, unless otherwise directed by the Legislature.

The Executive Board shall appoint persons to fill the positions of Legislative Fiscal Analyst, Director of Research, Revisor of Statutes, and Legislative Auditor. The persons appointed to these positions shall have training and experience as determined by the executive board and shall serve at the pleasure of the executive board. The Legislative Performance Audit Committee shall recommend the person to be appointed Legislative Auditor. Their respective salaries shall be set by the executive board. (§50-401.01)

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1. Original document 1987.
 2. Amended 3/16/89 for Education Committee.
 3. Amended 1/3/90 for Revenue Committee.
 4. Amended 2/26/91 for Speaker.
 5. Amended 7/28/91 for Executive Board.
 6. Amended 7/28/97 for Building Maintenance.
 7. Amended 1/20/98 for Revenue Committee.
 8. Amended 4/11/00 for Speaker.
 9. Amended 2001
-

Job Descriptions

Administrative Assistant (Pay Grade C)

Description: Under the general supervision of a senator or a division director, performs work involving secretarial services, administrative services, public relations, office management and other work as required.

Examples of Work: (A position may not be assigned all of the duties listed, nor do the listed examples include all of the duties that may be assigned.)

- ✓ Performs various public relations functions. These may include: receiving telephone and personal callers, ascertaining the nature of the request, answering inquiries or referring callers to appropriate person; and disseminating information (oral and written) to the press, lobbyists, other staff, constituents and others.
- ✓ Reads and routes incoming and outgoing mail, reviews mail with supervisor and keeps an index file on correspondence.
- ✓ Takes, transcribes and types letters, memos, reports and legislation related materials.
- ✓ Maintains confidential correspondence, subject matter and legislative bill files.
- ✓ Performs a variety of basic constituent services. These may include: answering constituent inquiries by phone or mail; handling constituent complaints; and hosting constituent groups when visiting the Capitol.
- ✓ Maintains supervisor's appointment calendar. Makes appointments and travel arrangements.

Maintains black books during session.

Maintains bill books during session.

Screens legislation and public hearings, as assigned. This may include: coordinating hearings on the senator's bills with the senator's calendar; notifying proponents of hearing dates; and notifying proponents of floor action.

Maintains office supplies and equipment and inventory for the office.

Maintains clipping file.

Maintains current mailing list of constituents.

Assembles and sends mass mailings.

Performs other duties as assigned.

Full Performance Knowledge, Abilities and Skills: (These may be acquired on the job and are needed to perform the work assigned.)

Knowledge of: the legislative process; the structure and operation of the Unicameral and its divisions; the structure of state government; the concerns and interests of the senator and the senator's district; travel, correspondence and filing procedures; computer knowledge; modern office practices; and telephone etiquette.

√ **Essential Job Function**

Ability to: communicate effectively; type, take shorthand or take and transcribe dictation; compose letters; work independently with little supervision; work under pressure; maintain confidentiality; and interact well with a diverse group of people.

Job Preparation Guidelines: (Entry knowledge, abilities, and/or skills may be acquired through, BUT ARE NOT LIMITED TO, the following coursework/training and/or experience.)

Any combination of training and/or experience that will enable the incumbent to possess the required knowledge, skills and abilities. A general qualification guideline for this position is graduation from high school and/or business school (or equivalent education) and one-year experience in varied responsible office positions (preferably within state government or the Legislature).

Legislative Aide (Pay Grade E)

Description: Under the general supervision of a senator, performs work involving research, writing, public relations, constituent services, office management and other related work as required.

Examples of Work: (A position may not be assigned all of the duties listed, nor do the listed examples include all of the duties that may be assigned.)

- ✓ Performs and summarizes quantitative and qualitative research (for proposed or pending legislation generally). This may include: statistical analysis of available data; literature searches; legal research; comparative research; and working with state agencies and interested groups.
- ✓ Drafts simple legislation and amendments with the Revisor of Statutes' Office, as requested.
- ✓ Prepares senator's legislation for hearing. This may include: writing statement of intent; organizing supporters to testify; and negotiation and preparing any necessary amendments.
- ✓ Performs various public relations functions. These may include: preparing and disseminating information materials to the press, lobbyists, other staff, constituents and others; preparing testimony for the Senator; preparing newsletters, newspaper columns and other "media releases"; and preparing (and sometimes delivering) speeches for the senator (this may include presenting a bill at public hearing.)
- ✓ Performs a variety of basic constituent services. These may include answering constituent inquiries by phone and mail; handling constituent complaints; and hosting constituents when visiting the Capitol.

Reviews, analyzes and summarizes assigned legislation and monitors legislative public hearings and floor debate.

Maintains district and other newspaper clipping files.

May serve as lead worker with other staff in senator's office or office manager.

Performs other duties as assigned.

Full Performance Knowledge, Abilities and Skills: (These may be acquired on the job and are needed to perform the work assigned.)

Knowledge of: research and investigative procedures and techniques; the legislative process; legislative rules; conventions of bill drafting; structure and operation of state government; the structure and operation of the Unicameral and its divisions; office management techniques; and the concerns and interests of the Senator and the Senator's District.

Ability to: communicate effectively both orally and in writing in several different styles; simplify complicated concepts; interact well with a diverse group of people; organize and plan work; work independently with little supervision; work under pressure; define and analyze problems; and maintain confidentiality.

Job Preparation Guidelines: (Entry knowledge, abilities and/or skills may be acquired through, BUT ARE NOT LIMITED TO, the following coursework/training and/or experience.)

Any combination of training and/or experience that will enable the incumbent to possess the required knowledge, skills and abilities. A general qualification guideline for this position is a Bachelor's degree (or equivalent).

Salary Grade Ranges

SALARY GRADE RANGES FOR LEGISLATIVE EMPLOYEES
EFFECTIVE JULY 1, 2008

SALARY GRADES		HIRING RATE	MINIMUM RATE	MIDPOINT RATE	MAXIMUM RATE
A	ANNUAL	18,764	19,515	24,692	31,281
	MONTHLY	1,563.67	1,626.25	2,057.67	2,606.75
	HOURLY	9.021	9.382	11.871	15.039
B	ANNUAL	21,586	22,449	28,404	35,984
	MONTHLY	1,798.83	1,870.75	2,367.00	2,998.67
	HOURLY	10.378	10.793	13.656	17.300
C	ANNUAL	24,821	25,813	32,660	41,373
	MONTHLY	2,068.42	2,151.08	2,721.67	3,447.75
	HOURLY	11.933	12.410	15.702	19.891
D	ANNUAL	28,546	29,688	37,565	47,586
	MONTHLY	2,378.83	2,474.00	3,130.42	3,965.50
	HOURLY	13.724	14.273	18.060	22.878
E	ANNUAL	32,827	34,141	43,200	54,725
	MONTHLY	2,735.58	2,845.08	3,600.00	4,560.42
	HOURLY	15.782	16.414	20.769	26.310
F	ANNUAL	37,752	39,262	49,679	62,935
	MONTHLY	3,146.00	3,271.83	4,139.92	5,244.58
	HOURLY	18.150	18.876	23.884	30.257
G	ANNUAL	40,398	42,014	53,161	67,344
	MONTHLY	3,366.50	3,501.17	4,430.08	5,612.00
	HOURLY	19.422	20.199	25.558	32.377
H	ANNUAL	43,224	44,953	56,878	72,051
	MONTHLY	3,602.00	3,746.08	4,739.83	6,004.25
	HOURLY	20.781	21.612	27.345	34.640
I	ANNUAL	46,245	48,094	60,855	77,091
	MONTHLY	3,853.75	4,007.83	5,071.25	6,424.25
	HOURLY	22.233	23.122	29.257	37.063
J	ANNUAL	49,481	51,459	65,112	82,482
	MONTHLY	4,123.42	4,288.25	5,426.00	6,873.50
	HOURLY	23.789	24.740	31.304	39.655
K	ANNUAL	52,948	55,066	69,676	88,263
	MONTHLY	4,412.33	4,588.83	5,806.33	7,355.25
	HOURLY	25.456	26.474	33.498	42.434
L	ANNUAL	56,655	58,920	74,553	94,442
	MONTHLY	4,721.25	4,910.00	6,212.75	7,870.17
	HOURLY	27.238	28.327	35.843	45.405

PERSONNEL POLICIES
FOR
LEGISLATIVE EMPLOYEES

Approved by the Executive Board

June 27, 2008

TABLE OF CONTENTS

PURPOSE	1
GENERAL EMPLOYMENT PRACTICES	2
Affirmative Action Statement	2
Americans with Disabilities Act	2
Drug Free Work Place Policy	2
Work Place Harassment Policy	2
EMPLOYMENT AND SELECTION	4
Selection	4
Temporary Status	4
Employment Eligibility Verification	4
Veteran's Preference	4
Understudy Status	4
Understaffed Positions	5
CLASSIFICATION	6
Classification Plan	6
Class Specifications	6
Supervisor's Authority and Responsibilities	6
Requests for Classification Reviews	6
Reclassification	6
Employees in Reclassified Positions	6
Reassignment to a Higher Salary Grade	7
Employee Appeal	7
DEFINITIONS	8
DISCIPLINARY ACTION	11
Reasons for Imposing Disciplinary Action	11
Procedure for Imposing Disciplinary Action	12
Disciplinary Actions	12
Counseling	12
Written Warning	12
Disciplinary Probation Status	13
Suspension	13
Demotion	13
Reduction in Salary within Salary Grade	13
Dismissal	14
Investigatory Suspension	14
Right of Grievance	14
Documentation Retention	14
EMPLOYEE AIDS & SERVICES	16
Employee Tuition Assistance Program	16
Employee Training Expenses	16
Moving Expenses	16
Employee Assistance Program	17
EMPLOYEE GRIEVANCE AND COMPLAINTS	18
Eligibility	18
Grievance of Application of Personnel Rules or Conditions of Employment	18
Grievable Issues	18
Non-Grievable Issues	18

Performance Reviews	18
Effect of Grievance on Management Action and Employee Status	18
Depositions and Discovery Process During Grievances Involving Dismissal	18
Settlement	19
Grievance Procedure Steps and Time Allowances	19
Step 1. Formal Written Grievance	19
Step 2. Appeal to Executive Board	20
A. Mediation.....	20
B. Executive Board Hearing.....	20
C. Scope of the Executive Board's Review.....	22
D. Decision of the Executive Board	22
Actions of the Executive Board after the Appeal Hearing	22
INSURANCE BENEFITS	23
State Employees' Insurance Benefits.....	23
Retiree Insurance Program	23
Additional Information.....	23
LEAVE	24
Authorized Leave	24
Adjustment for Authorized Leave.....	24
Unauthorized Leave	24
Adjustment for Unauthorized Leave	24
Record of Leave	24
Holidays.....	24
Weekend Holidays.....	24
Work on an Observed or Actual Holiday.....	24
Eligibility for Holiday Leave.....	24
Transferring Employees	25
Holiday Leave for Part-time Employees	25
Holiday Leave for Temporary Employees.....	25
Administrative Leave	25
Vacation and Sick Leave Adjustment.....	25
Service Date Adjustment	25
Advancement of Vacation and Sick Leave	25
Leave for Employees Working for More than One Agency.....	25
Transferring Vacation and Sick Leave Balance to Another Agency	25
Vacation and Sick Leave Accumulation for Employees.....	25
Temporary Employees	25
Vacation Leave.....	25
Scheduling Vacation Leave	26
Balancing of Vacation Leave	26
Vacation Leave Payment.....	26
Sick Leave.....	26
Conditions for Using Sick Leave.....	26
Request for Sick Leave.....	27
Balancing of Sick Leave	27
Forfeiting of Sick Leave Upon Separation and Sick Leave Payments Upon	
Retirement or Death	27
Sick Leave Reinstatement.....	27
Funeral Leave	28
Injury Leave and Worker's Compensation.....	28
Eligibility.....	28
Use of Sick and/or Vacation Leave to Supplement Worker's Compensation Payments	28
Employee Health Insurance.....	29
Military Leave	29

Active Service	29
State Active Service for Emergencies	29
Enlistment or Extended Duty	30
Copies of Orders	30
Civil Leave.....	30
Jury Duty.....	30
Election Board Duty	30
Voting Time	30
Court Appearances.....	30
Disaster Relief Leave	30
Leave of Absence.....	30
Leave for Permanent Part-time Employees	31
Leave for Temporary Employees	31
Family & Medical Leave	31
Eligibility.....	31
Types of Leave Covered.....	31
Serious Health Condition	32
Health Care Provider	32
Certification of Serious Health Conditions	32
Second Medical Opinions	32
Notice of Intent to Use Family & Medical Leave	32
Use of Paid and Unpaid Leave	32
Paid Leave as Part of Family & Medical Leave	33
Family & Medical Leave Designation.....	33
Family & Medical Leave Duration	33
Family & Medical Leave Determinations	33
Family & Medical Leave Not Cumulative	33
Incremental Use of Family & Medical Leave	33
Employee Status & Benefits During Family & Medical Leave	33
Health Benefits	34
Other Benefits.....	34
Employment Status.....	34
Family & Medical Leave and Workers' Compensation	34
Service Date Adjustments	34
Records	34
Catastrophic Leave Program.....	34
Catastrophic Event.....	34
Catastrophic Leave Donation	34
Eligibility of Recipient Employee	35
Process for Requesting Catastrophic Leave	35
Eligibility of Donor.....	35
MERIT INCREASES AND PROFICIENCY PAYMENTS	36
Merit Increases.....	36
Performance Review	36
Proficiency Payments.....	36
Merit or Proficiency Date	36
MISCELLANEOUS	37
Rest Periods.....	37
Other Employment	37
Conflict of Interest	37
Nepotism	37
Political Activities.....	37
OVERTIME AND WORK SCHEDULES	39

Work Week.....	39
Eligibility for Overtime Status	39
Non-Exempt.....	39
Exempt	39
Compensatory Time	39
PERFORMANCE REVIEWS	40
General.....	40
Administration.....	40
PERSONNEL RECORDS.....	41
Accessibility of Records	41
Maintenance of Records	41
Rights of Review	41
Negative Documentation	41
Medical Information	41
PROBATIONARY PERIOD	42
Original Probationary Period	42
Probationary Date Adjustment	42
Extension of Original Probation.....	42
Transfer Probationary Period	42
RESIGNATIONS, LAYOFFS AND TERMINATIONS.....	43
Resignations.....	43
Layoffs.....	43
Employees Eligible for Retirement	43
Reinstatement	43
Termination Due to Election Defeat, End of Term, Resignation of Senator, Death of Senator or Committee Reorganization	44
Election Results.....	44
End of a Senator's Term.....	44
Resignation of Senator	44
Death of Senator.....	44
Committee Reorganization	44
RETIREMENT BENEFITS FOR LEGISLATIVE EMPLOYEES	45
State Employees' Retirement Plan.....	45
Deferred Compensation Plan	45
Additional Information.....	45
SALARY CHANGES.....	46
Upward Changes (Other than Career Path Promotions).....	46
Upward Changes (for Career Path Promotions)	46
Temporary Reassignment to a Higher Salary Grade	46
Downward or Lateral Changes.....	46
Pay Advancement Increase	46
Position Date Adjustment.....	46

PURPOSE

The purpose of these policy guidelines is to provide guidance to all employees of the Legislature in regard to the personnel procedures of the Legislative Council. While the Legislature is an agency exempt from State Department of Personnel rules and regulations, the Legislature does strive to follow general state policy.

These personnel policies are established as guidelines for legislative employees, division directors, legislators, the Legislature as a whole and the Executive Board of the Legislative Council. The personnel policies are not designed to confer any substantive rights, provided however, that to the extent that the personnel policies reflect statutory rights, such statutory rights control. No employee of the Legislature shall have rights under these policies which cannot be changed by subsequent action of the Executive Board of the Legislative Council or the Legislature as a whole.

Information contained in this document regarding benefits and leave is intended as a general guide, for information only. Provisions are those in effect as of January 6, 1993, and as subsequently amended, and may be subject to change.

GENERAL EMPLOYMENT PRACTICES

AFFIRMATIVE ACTION STATEMENT

It is declared to be the public policy of the Legislature that it shall take positive action in all areas of its operation to insure that all citizens are given fair and equal opportunities for employment and advancement regardless of race, color, religion, national origin, age, sex, marital status, or physical or mental disability.

Affirmative actions shall be taken to insure the implementation of this policy in legislative employment. This policy and the obligation to provide equal employment opportunity include, but are not limited to:

- (1) Hiring, placement, upgrading, transfer, or demotion;
- (2) Recruitment, advertising, or solicitation for employment;
- (3) Treatment during employment;
- (4) Rates of pay or other forms of compensation;
- (5) Selection for training;
- (6) Layoff, termination, or reinstatement; and
- (7) Any other condition of employment.

AMERICANS WITH DISABILITIES ACT

It is the policy of the Legislative Council not to discriminate against a qualified individual with a disability because of such disability with regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

It is also the policy of the Legislative Council that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the Legislative Council, or be subjected to discrimination by the Legislative Council.

DRUG FREE WORK PLACE POLICY

The Legislative Council is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive work force. To this end the Legislative Council unequivocally endorses the philosophy that the work place should be free from the detrimental effects of illicit drugs. To ensure worker safety and work place integrity, the Legislative Council prohibits the illegal manufacture, possession, distribution or use of controlled substances in the work place.

WORK PLACE HARASSMENT POLICY

It is hereby declared to be the policy of the Legislative Council that all women and men are to be treated fairly and equally, with dignity and respect. Any form of work place harassment is contrary to this Policy and shall be regarded as discrimination on the basis of race, color, religion, age, gender, disability, national origin or sexual orientation, and may imply a violation of Title VII, Section 703 of the Civil Rights Act of 1964, as amended, as of 1991.

It shall be considered a violation of this Policy for any employee of the Legislative Council to engage in work place harassment or for any supervisory personnel within the Legislative Council to knowingly permit work place harassment of any employee or recipient of the agency's services.

For the purpose of this Policy, "work place harassment" shall be defined as sexual harassment, or any inflammatory comments, jokes, printed material and/or innuendo based, in whole or in part, on race, color, religion, age, disability or national origin, when:

(1) such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment; or

(2) such conduct interferes unreasonably with a person's work or employment opportunities.

For the purpose of this Policy, "sexual harassment" shall be defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, when:

(1) submission to such conduct is made either explicitly or implicitly a term of an individual's employment or a condition to receipt of services by a recipient of the agency's services; or

(2) submission to or rejection of such conduct by an individual is used as the basis for employment or agency decisions affecting an employee or a recipient of the agency's services; or

(3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or the receipt of services by a recipient of the agency's services, or of creating an intimidating, hostile or offensive environment.

**THIS POLICY AND PROCEDURES ARE EXPLAINED IN
FURTHER DETAIL IN A SEPARATE DOCUMENT**

EMPLOYMENT AND SELECTION

Selection. Division directors or Senators shall ensure that all applicants hired possess the necessary knowledge, abilities, skills and statutory requirements, if applicable, as outlined in the class specification. The Senator or division director shall be responsible for any reference checks, verification of academic credentials, and any other pre-employment inquiries he or she deems necessary. A copy of the appointees' resumes shall be provided to the Legislative Accounting and Budget Office to facilitate the required paperwork.

All employees must be hired at the hiring rate of salary grade for their position, except in the following case: When an applicant has training and/or experience which exceeds the entry level knowledge, abilities and skills of the class, a Senator or division director may hire that applicant at a rate up to 12% above the Hiring Rate, if applicable, without prior written permission from the Chairperson of the Executive Board. Salary policy provisions are at the discretion of the Executive Board and contingent on available funds.

Applicants hired as the result of falsifying or omitting relevant information concerning their qualifications or work history shall be disciplined or dismissed without notice. However, a permanent division employee retains the right to grieve such action.

Temporary Status. Temporary hires may be full-time or part-time and the assignment may be less than six months or up to twelve months or 2080 hours. Extensions beyond twelve months or 2080 hours require prior approval from the Chairperson of the Executive Board.

Temporary employment may be included as part of the original probationary period in a permanent position of the same class, at the discretion of the division director or Senator.

Temporary employees may be terminated at any time. The notice of termination shall be documented in the personnel file and shall specify the date of termination.

Temporary employees shall receive the following types of paid leave: Injury, civil and military training or emergency duty leave. Temporary employees are not eligible for sick leave, vacation leave, retirement or holiday pay. If a temporary employee is required to work on a holiday or observed holiday, he or she shall be paid for the time worked at his or her normal rate of pay.

Temporary employees whose work assignment is for six months or more and work at least twenty hours per week are eligible for health and dental insurance and long-term disability. The State's share of the contribution is prorated for part-time employees and for employees that do not work a full pay period.

Temporary employees have no grievance rights.

Employment Eligibility Verification. In accordance with the Immigration Reform and Control Act of 1986, everyone, including citizens and nationals of the United States, must present acceptable documentation to the Legislative Accounting and Budget Office for proof of eligibility for employment in the United States, and complete a Department of Justice Form I-9 within three business days of the start of employment.

Veteran's Preference. Veterans determined eligible in accordance with Section 80-401.01 of the Nebraska Revised Statutes shall be given preference (Veteran's Preference) as specified in Section 48-226 of the Statutes. The preference will be granted in the following manner: When two or more equally qualified candidates are being considered for a vacant position the qualifying veteran will be given preference for that position.

Understudy Status. For the purpose of training, division directors or Senators may hire a qualified applicant to understudy an incumbent vacating a position for a period not to exceed 14 calendar days.

Extending beyond the 14 calendar days would need prior approval of the Chairperson of the Executive Board.

Service in an understudy status shall be included as a part of the original probationary period for the position occupied.

Understaffed Positions. For the purposes of training, division directors or Senators may understaff a position with an employee in a lower classification. An employee shall not hold an understaffed position for more than one year.

CLASSIFICATION

Classification Plan. The Legislative Classification and Pay Plan is based on a systematic review and analysis of the duties and responsibilities of all positions in the Legislature. Classification is based on a variety of factors, including duties performed, the scope and level of responsibilities assigned, the nature and extent of supervision received and/or exercised, and the knowledge, abilities and skills required to perform satisfactorily. All positions having similar duties and responsibilities are grouped into classes. Each class is assigned to a salary grade. Employees may request in writing reconsideration of salary grade assignments to the Chairperson of the Executive Board. The reconsideration of a salary may not be appealed to the Executive Board.

Class Specifications. Specifications are maintained for each class. Specifications provide a title and description, typical duties and responsibilities, and knowledge, abilities and skills necessary for job performance. The duties outlined in the specification are representative only and do not limit the assignment of other duties to a position.

Supervisor's Authority and Responsibilities. Senators and division directors are responsible for organizing the work of their staff and have the authority to determine the need for and to assign and/or change the duties and responsibilities of any position or employee at any time. The Senator or division director is also responsible for other conditions of employment, including work schedules and working conditions.

When significant changes in duties and/or responsibilities are made, or when a new position is created, the division director must submit a current job description to the Chairperson of the Executive Board for classification review.

Requests for Classification Reviews. Classification reviews may be requested by any of the following:

Employees can request a review of their classification at any time, provided that the position has not been reviewed by the Chairperson of the Executive Board in the previous six months. Requests are made by completing a position description questionnaire, reviewing it with the employee's Senator or division director and receiving supervisory remarks, and submitting it along with a letter requesting review to the Chairperson of the Executive Board. The request letter shall contain a specific explanation of how and when the position's duties and responsibilities have changed, the reasons why the current job classification does not match these job duties and responsibilities and a statement of the existing classification sought with the reasons why the requested job classification does match the position's duties and responsibilities.

The Chairperson of the Executive Board must respond to the request within 25 working days of receiving it.

Division directors can request a review of the classification of any position in their division at any time. Requests are made by submitting a current position description questionnaire along with a letter requesting review to the Chairperson of the Executive Board.

The Executive Board can initiate a review of the classification of any position in the Legislature at any time.

Reclassification. No position may be classified or reclassified without written authorization of the Chairperson of the Executive Board. The decision shall be implemented within the current pay cycle, or not later than the next full pay cycle after the written authorization, or at a later date if agreed upon by the division director and the Chairperson, unless a reconsideration of the classification decision is requested. Any pay change shall be effective only from the date of final determination.

Employees in Reclassified Positions. If an employee possesses the entry level knowledge, abilities and skills of the new classification, he or she continues to hold that position.

If an employee does not possess the entry level knowledge, abilities, and skills of the new classification, the agency head must do one of the following:

Understaff the employee in the position (the employee will occupy a lower classification) until he or she does possess the entry level knowledge, abilities and skills.

Transfer the employee to another position for which he or she does qualify.

Lay off the employee, except that if any vacant position exists for which the employee is qualified, the employee has the choice to accept it.

Reassignment to a Higher Salary Grade. An employee promoted to a classified position to fill a vacancy, or to fill in for an unpaid leave of absence exceeding 60 consecutive calendar days, shall be paid at least the hiring rate of the new salary grade. No reassignment to a higher classified position shall be effective unless the reassigned employee performs a significant part of the duties and responsibilities in the classified position description for 60 consecutive calendar days. The salary increase can begin on the first day of reassignment, but shall begin no later than the 61st day following the promotion. At the end of this reassignment, the employee's salary shall be reduced to the amount paid prior to the promotion, except that any general salary increase granted through legislation shall be added back into the employee's base salary at the same percent received while at the higher classification.

Employee Appeal. If the employee wishes to appeal the classification of the position after it has been reviewed by the Chairperson of the Executive Board the appeal may be made within 10 work days to the Chairperson through the employee's Senator or division director. The Senator or division director will forward the request to the Chairperson within five work days. Appeals shall be in writing and shall explain in detail the reasons for such appeal.

The Chairperson of the Executive Board shall again review the position classification and furnish the employee a decision within 10 work days, provided no additional information is needed. If the Chairperson agrees with the appeal, the position shall be reclassified to the proper classification.

If the employee does not agree with the decision of the Chairperson of the Executive Board, appeal of the classification may be made to the Executive Board. The appeal must be made within 10 work days after the employee receives the Chairperson's decision. The appeal must be in writing and explain in detail the reasons for the appeal and include the Chairperson's decision.

The Chairperson of the Executive Board shall notify the employee, in writing, of the time, date and place the appeal will be heard. The record of the appeal shall be included in the minutes of the Executive Board meeting. The findings of the Executive Board shall be final and binding for a period of six months or until a substantial change in duties of the position occurs.

DEFINITIONS

Board - the Executive Board of the Legislative Council.

Bumping - process during layoff of allowing employees to replace other employees in lieu of layoff.

Catastrophic Event – a serious illness or injury resulting in a prolonged absence of at least thirty work days during a six-month period.

Catastrophic Leave – vacation leave donated by one employee to another for the purpose of providing paid leave during an absence relating to a catastrophic event when the receiving employee has exhausted all other forms of paid leave.

Chairperson - Chairperson of the Executive Board.

Class - one or more positions similar enough as to duties performed, degree of supervision exercised or received, knowledge, abilities and skills needed, and other characteristics so that the same title and salary grade assignment may be applied to each position in the group.

Class Specification - the formal description of the work of a class, which defines the class and lists typical examples of work performed and the knowledge, abilities and skills associated with performing the work.

Classify - to assign a position to a specific class based upon duties, responsibilities and knowledge, abilities and skills.

Compensatory Time - time off granted by division head or Senator to an employee in lieu of payment for overtime or holiday hours worked.

Demotion - reassignment of an employee from one class to another class at a lower salary grade as a result of disciplinary action requiring a reduction in salary.

Disabled Veteran - A disabled veteran is defined by Section 48-225(3) of the Nebraska Revised Statutes as an individual who has served on active duty in the armed forces of the United States, was separated under honorable conditions, and has established, by a letter or other document from the appropriate authority, the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the United States Department of Veterans Affairs or a military department.

Disciplinary Probation - a special employment status, imposed for disciplinary reasons; the period of time for such probation shall not exceed one year.

Dismissal - involuntary separation of an employee, excluding layoffs.

Division – the offices of Clerk of the Legislature, Audit and Research, Revisor of Statutes, Fiscal Analyst, Ombudsman, Coordinator of Legislative Services and Accounting and Budget within the Legislature.

Employee - any person, except Senators, who works for the Legislature and receives a state pay warrant.

Exempt - a class which is not covered by the time and one-half overtime provisions of all applicable laws.

Full-time employee - an employee who works 40 hours per week.

Hiring Rate - beginning rate of a salary grade.

Incumbent - the employee assigned to a position.

Investigatory Suspension – suspension while an employee is being investigated to determine whether disciplinary action is warranted.

Job Preparation Guidelines - the education, experience and other qualifications recommended in order to determine eligibility for a class.

Layoff - involuntary separation or reduction of hours of an employee or employees because of economic reasons, elimination of funds, reduction in workload, or reorganization.

Leave of Absence – unpaid time off from work requested by the employee and granted by the Chairperson of the Executive Board.

Maximum Rate - highest rate of a salary grade.

Merit Increase - the advancement of an employee's salary granted in recognition of job performance.

Minimum Permanent Rate - pay rate within a salary grade in the pay plan.

Non-exempt - a class which is covered by the time and one-half overtime provisions of all applicable laws.

Part-time employee - an employee who works less than 40 hours per week.

Pay Status - a condition whereby an employee is receiving pay from the employing agency.

Permanent Position - a full-time or part-time position worked on an ongoing basis.

Personal Senate Staff - this includes any employee that is not employed in a division.

Position - a group of specific duties and responsibilities to be performed by one or more employees and which may be part-time, full-time, permanent, temporary, session, filled or vacant.

Position Date - the date an employee is assigned to his or her current position. If an employee returns to the Legislature within ten years from other employment, and to the same classification, or to a position with a lower pay grade than the former classification, the previous legislative experience can be considered in adjusting the position date. If an employee changes from a position with a higher pay grade to a lower pay grade, the years of service in the higher classification are considered in setting the position date. The position date is used as the eligibility date for merit increases, proficiency payments and pay advancement increases.

Position Description - summary of the actual duties and responsibilities assigned to any one position.

Proficiency Payment - a percentage increase in an employee's salary granted in recognition of length of service in a position and satisfactory job performance.

Promotion - reassignment of an employee from one class to another class at a higher salary grade.

Rehire - former employee returning to work.

Reinstatement - act of rehiring a former employee who was laid off from his or her employment or placed in a lower position in good standing as a result of a layoff.

Resignation - voluntary separation of an employee.

Salary - the rate of pay for duties and services performed.

Salary Grade - a range of pay with a hiring rate and a maximum rate.

Separation - removal of an employee from a position in the legislative service.

Service Date - date from which an employee's vacation and sick leave entitlement is computed. This is the date of hire minus the number of calendar days of unauthorized leaves of longer than one day, suspensions without pay, leaves of absences exceeding 14 calendar days (except military leaves) and/or any breaks in service as allowed under these policies.

Session Employee - an employee hired for either regular and/or special sessions of the Legislature.

Suspension - a forced leave of absence that may be with or without pay.

Temporary Employee - an employee hired for a limited period of time not to exceed one year or 2080 hours.

Temporary Position - a full-time or part-time position that is to be worked for a limited period of time not to exceed one year.

Unauthorized Leave - an absence by an employee not authorized or covered by these regulations.

Veteran – any person who served full-time duty with military pay and allowances in the armed forces of the United States during an eligible time period, except for training or for determining physical fitness, and was discharged under honorable conditions.

DISCIPLINARY ACTION

Reasons for Imposing Disciplinary Action. If an employee commits one or more of the following offenses, a division director or Senator may take appropriate disciplinary action:

Violation of, or failure to comply with, Federal or State constitution or statutes; an executive order; or published rules, regulations, policies or procedures of the Legislature.

Failure or refusal to comply with a lawful order or to accept a proper assignment from an authorized supervisor.

Inefficiency, incompetence or negligence in the performance of duties.

Unauthorized manufacture, distribution, dispensation, use or possession of narcotics, alcoholic beverages, or other unlawful drugs on state property, drinking alcoholic beverages on duty, or reporting for duty under the influence of alcohol and/or unlawful drugs.

Negligent or improper use of state property, equipment or funds, or conversion of same to one's own use.

Use of undue influence to gain, or attempt to gain, promotion, leave, favorable assignment or other individual benefit or advantage.

Falsification, fraud or intentional omission of required information in applying for a position.

Unauthorized or improper use or abuse of any type of leave or meal or rest periods.

Repeated tardiness or unauthorized leave, including unauthorized departure from work area.

Failure to maintain satisfactory working relationships with the public or other employees.

Failure to obtain and maintain a current license or certification required by law or standards as a condition of employment.

Conviction of a felony.

Repeated failure to make reasonable provision for payment of personal debts which results in more than one garnishment, except in cases of court-ordered child support payments. (Pursuant to law, an employee cannot be discharged for this reason unless the garnishments occur because of two or more debts.)

Insubordinate acts or language which seriously distract from and/or severely hamper the Legislature's ability to control, manage or function.

Highly offensive acts performed outside of the Legislature that reflect negatively on the Legislature or impairs the employee's ability to perform his or her duties.

Work place harassment based, in whole or in part, on race, color, gender, religion, age, disability, national origin or sexual orientation, which manifests itself in the form of inflammatory comments, jokes, printed material and/or innuendo, unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.

Possession of materials and/or the utterance of comments in the work place that are derogatory towards a group or individual based upon race, color, gender, religion, age, disability, national origin or sexual orientation.

Possession of a firearm in workplace.

Procedure for Imposing Disciplinary Action. The Senator or division director has the responsibility to impose disciplinary action.

Prior to imposing discipline, the employee shall be entitled to written notice of the proposed charges against him or her which shall identify the rule or policy violated and include an explanation of evidence against them. (Oral notice may be sufficient when written notice is not expedient, with written notice to follow.) The explanation shall include a description of the incident involved and/or dates of occurrence to the extent the explanation would not impair the function or operation of the legislature or expose the legislature to legal liability.

Prior to imposing discipline the employee shall additionally be entitled to an opportunity to present mitigating evidence or reasons why disciplinary action should not be taken. If the opportunity or explanation is in the form of a meeting, the Senator or division director shall afford the employee adequate notice as to time, place, and purpose of such meeting. Twenty-four hour notice is considered adequate.

If a disciplinary action, other than counseling is imposed, the employee shall be advised in writing of the nature of the offense, the disciplinary action being administered, and, if appropriate, the time allowed for improvement and the consequences (including dismissal) of future violations or failure to improve. The employee should acknowledge receipt by signing the document. The employee's signature does not constitute agreement with the content of the document. If the employee refuses to sign, the Senator or division director and witness shall sign a notation of the employee's refusal on the document. A copy of the document shall then be placed in the employee's file.

When an incident calls for the application of discipline, the discipline shall be imposed only once for that incident. Further action may be imposed for any subsequent incidents.

Disciplinary Actions. The type and extent of disciplinary action shall be governed by the nature, severity and effect of the offense; the type and frequency of previous offenses; the period of time elapsed since a prior offensive act, and consideration of extenuating circumstances. The severity of the disciplinary action imposed shall be consistent with the offense committed and shall consist of one or any combination of the following:

Counseling. This consists of a visit with the employee, during which the Senator or division director explains in detail the reasons for the counseling and also advises the employee of the action required to correct weaknesses or other matters that caused the counseling to occur. This may also include the Senator's or division director's suggestion or recommendation that the employee seek help from the Employee Assistance Program. The Senator or division director may place a time limit for performance improvement. If necessary, it would be appropriate to make a formal referral to the Employee Assistance Program. If a Senator or division director makes a referral, and the employee chooses to attend an Employee Assistance Program counseling session, the employee shall receive an appropriate amount of time to attend an initial counseling session without taking leave time. A written, dated record that the counseling took place, including a general statement as to the nature of the counseling, should be completed and signed by the official, and the employee shall be so informed. This record may be placed in the employee's file. Routine supervisory guidance, either verbal or written, shall not be considered to be "counseling."

Written Warning. A written warning consists of a discussion with the employee during which the Senator or division director explains in detail the reasons for the warning and advises the employee of the action required to correct the unsatisfactory performance. Documentation of such discussion shall be placed in the employee's file.

Disciplinary Probation Status. Disciplinary probation may be imposed for a period of up to six months, but may be extended to a total of one year by the Senator or division director. This is a designated time period during which the employee must improve.

An employee on disciplinary probation shall not be promoted or granted salary increases other than across-the-board increases.

An employee granted leave while serving disciplinary probation may have his or her probation extended by the number of days absent on leave.

The dismissal of an employee on disciplinary probation does not preclude the filing of a grievance by the employee.

An employee may be placed on disciplinary probation upon return to work following a suspension without pay, providing the employee was informed of the disciplinary probation when the suspension was imposed.

An employee may be removed from disciplinary probation at any time.

Suspension. An employee may be suspended without pay for disciplinary reasons.

The period of suspension shall be without pay and shall not exceed 20 work days. The document informing the employee of suspension shall be dated and include the reason for the suspension without pay and the number of days of the suspension. If the employee is to be placed on disciplinary probation upon return from suspension, the employee shall be informed of this action on the document imposing the suspension.

The employee's service date and merit date shall be adjusted by the number of calendar days absent during a suspension.

An employee on suspension shall not be granted vacation, sick or holiday leave nor unused compensatory time off during the suspension period.

If the suspension is later found to be unwarranted by the Executive Board as a result of an employee grievance, the employee will be restored to his or her position and granted full retroactive pay and service credit for the period of suspension.

Demotion. A division director may demote an employee to a position of a lower salary grade as a disciplinary action. The employee's duties shall be changed to reflect the new classification. Upon demoting an employee for disciplinary reasons, the division director shall reduce the employee's salary a minimum of 4% and the salary may not be above the maximum rate of the new salary grade. However, a demoted employee's salary may be reduced no lower than the hiring rate of the new salary grade. (Note: If the employee's reduced salary is at the hiring rate, the employee's salary must be increased to the minimum permanent rate after six months.)

If there is no vacant position in the class to which the employee is demoted, the division director may take action to understaff the previous position.

Reduction in Salary within Salary Grade. A Senator or division director may reduce an employee's salary, within the employee's salary grade, as a disciplinary action. The Senator or division director may restore an employee to his or her previous salary when circumstances justify. An employee's salary may be reduced to no lower than the hiring rate of the salary grade. (Note: If the employee's reduced salary is at the hiring rate, the employee's salary must be increased to the minimum permanent rate within six months.)

Dismissal. A Senator or division director may dismiss an employee for any of the reasons previously set forth. A written document of notification shall be given to the employee two calendar weeks prior to the dismissal date. An employee is not required to sign this notification document.

An employee may be granted two calendar weeks pay in lieu of notice at the discretion of the Senator or division director. An employee granted two calendar weeks pay in lieu of notice shall not be eligible to accrue sick or vacation leave for the period for which payment in lieu of notice is made.

An employee dismissed for job abandonment or gross misconduct such as conviction of a felony or an employee who commits an offense which threatens the safety, health or well-being of another person or an offense of sufficient magnitude that the consequence causes disruption of work being performed or to be performed in the future may be dismissed immediately and shall not be entitled to two calendar weeks notice of dismissal or two calendar weeks pay in lieu of notice. In this case, the written notice of dismissal shall be prepared within three work days after the dismissal and shall be provided to the employee and a copy placed in the personnel file. An employee is not required to sign this notification document.

An employee may be dismissed during disciplinary probation if he or she does not take positive action to correct the conditions which resulted in the disciplinary probation. The serving of disciplinary probation is not a prior requirement for dismissal.

In cases of dismissal, a division employee, or former division employee, shall have 10 work days from the receipt of written notice to file a grievance.

Investigatory Suspension. An employee may be suspended for investigatory reasons. Such suspension may be with or without pay at the discretion of the Senator or division director, based on the nature of the alleged offense. An investigatory suspension is not a disciplinary action. An employee who is under investigation for, or charged with, criminal activity or who commits or is alleged to have committed an offense which threatens the safety, health or well-being of another person or an offense of sufficient magnitude that the consequence causes disruption of work being performed or to be performed in the future may be suspended pending outcome of an investigation or trial. If no immediate danger would result, the Senator or division director, before suspending an employee under this section, should attempt to verify information with the employee and may afford the employee an opportunity to refute the information or present mitigating evidence. If a meeting takes place, the Senator or division director shall notify the employee prior to such meeting and shall inform the employee of the purpose of the meeting. Employees shall be notified of the general nature of the investigation.

An employee who is found not guilty through a court proceeding or agency investigation, or against whom no judicial action is taken, may be restored by the Senator or division director based on relevant facts, to his or her position and granted full pay and service credit for the period of unpaid suspension. If evidence in the agency's investigation or an outside investigation shows that disciplinary action should be taken, then the Senator or division director will follow disciplinary procedures.

Investigatory suspensions may be grieved by permanent, division employees.

Right of Grievance. All permanent division employees shall have the right to grieve disciplinary actions, including immediate dismissal. Grievance of a disciplinary action by the employee, however, shall not postpone the action. Personal senate staff shall not have the right to grieve disciplinary actions of any kind.

Documentation Retention. Documentation which reflects unfavorably on an employee shall not be placed in his or her personnel file without his or her knowledge. An employee shall have the right to review his or her personnel file during office hours upon request.

Records of disciplinary action and performance reports may be maintained in the employee's file for a period determined by the division director.

EMPLOYEE AIDS & SERVICES

Employee Tuition Assistance Program. Full-time employees, other than those on probationary status or temporary, may, with the approval of the Chairperson of the Executive Board, receive reimbursement for up to 100% of tuition costs for the completion of a job-related degree or course of instruction through an accredited university, college, technical school or community college. If a question as to accreditation arises, it is the employee's responsibility to provide substantiating documentation proving accreditation status. Prior to the class starting date, employees must complete a "Request for Tuition Assistance" form (including reimbursement rate), for final approval or disapproval. Disapproval by the Senator or division director or Chairperson of the Executive Board is final and is not a grievable issue. All copies of the "Request for Tuition Assistance" forms are to be retained in the Legislative Accounting and Budget Office.

Employees enrolling in a course may do so either by correspondence or attendance at classes during working or non-working hours. Employees granted permission to attend classes during working hours must arrange their work schedule so that they continue to work their normal number of hours per week. The Senator or division director may approve the use of earned compensatory time, vacation time or leave without pay to attend classes during working hours.

The maximum reimbursement rate for tuition will be based on the current University of Nebraska Lincoln in-state tuition rate, up to 100% of the tuition costs. Tuition cost shall be the cost per credit hour and shall not include fees or the cost of books.

Employees are limited in the amount of tuition assistance so that no more than six hours per semester/quarter/summer session may be reimbursed for any one period of time. Furthermore, no more than 18 hours over a two-year period may be reimbursed to participating employees. An employee must submit official evidence of satisfactory completion of the course(s) with a grade of "C" or better or "Pass" for a Pass / Fail class.

Employees eligible for reimbursement of tuition cost through other governmental programs shall use these programs first. If the cost of an approved course is more than the amount available from other sources, the state may reimburse the employee for up to 100% of the difference.

Employees who receive tuition assistance may be asked to reimburse the state if they voluntarily leave their employment within one year of the completion date.

Tuition requests may be denied based on budget constraints.

Employee Training Expenses. Employees may have the opportunity to avail themselves of training opportunities pursuant to provisions in the Travel Policy. In the situation where the Legislative Council has incurred expenses exceeding a total of \$2,000.00 for training activities completed during a one year period and the employee voluntarily leaves the employment of the Legislative Council, the employee may be requested to reimburse the Council for all costs associated with the training activity including, but not limited to, all fees and related travel expenses, according to the following schedule:

Within six months - Up to 100% reimbursement
Six months to one year - Up to 50% reimbursement

Moving Expenses. The Legislature may reimburse a newly appointed division employee (excluding temporary) for moving expenses, or a portion of these expenses, at the Executive Board's discretion, provided the employee agrees, in writing, to remain in the employment of the Legislature for a period of one year. Payment of moving expenses shall be made only with the prior written approval of the Chairperson of the Executive Board and in accordance with policies and procedures established by the Department of Administrative Services, Accounting Division. This provision does not apply to personal senate staff.

If an employee, whose moving expenses (all or a part) have been paid, resigns within one year of the move, the Executive Board may require the employee to reimburse the agency for a portion of the moving expenses, based on the length of time the employee worked after the move.

Payment of moving expenses shall be recorded into the employee's personnel file and the fact that such payment was made shall be signed by the Chairperson of the Executive Board and the employee.

Employee Assistance Program. The Legislative Council provides an employee assistance program to employees. The Employee Assistance Program is a confidential counseling and referral service available statewide to legislators, employees, and their family members. This program provides an opportunity for seeking confidential assistance for problems such as alcoholism, drug addiction, legal or financial problems, marital and family complications, and psychological or emotional difficulties. The program also provides group training sessions relating to particular aspects of the work environment. Initial visits with the EAP are covered at no cost to the employee. Fees for services beyond and outside of the EAP contract are the responsibility of the employee.

Information concerning this program will be mailed periodically to employees' home addresses. Direct confidential contact can be made with the provider. For other assistance, contact the Legislative Employee Assistance Program Coordinator or the Legislative Accounting and Budget Office.

Employees voluntarily seeking counseling/referral services from the Employee Assistance Program shall be allowed to use sick leave time. Because office hours of the Employee Assistance Program are flexible (evenings, lunches, etc.), employees are encouraged to make appointments during non-work time.

EMPLOYEE GRIEVANCE AND COMPLAINTS

Eligibility. All employees occupying a permanent position have grievance rights, except as provided in the section below on “Non-Grievable Issues.” Also, applicants, temporary employees, and employees on original probation have no grievance rights within these grievance procedures.

Grievance of Application of Personnel Rules or Conditions of Employment. Eligible employees who are aggrieved as the result of management actions involving an alleged misinterpretation and/or misapplication of Legislative Council Policies or State Statutes may formally grieve actions. Grievances not resolved with a Senator or division director may be appealed to the Executive Board by filing a grievance and completing the steps of the procedure outlined below.

Grievable Issues. Actions which may be ultimately appealed to the Executive Board are grievable issues. The Executive Board has the final authority to determine whether or not an issue is grievable.

Non-Grievable Issues. Examples of issues which are not grievable include, but are not limited to, the following:

- performance review content, except as set forth below;
- salary grade assignments;
- appointments including promotions to positions;
- leave of absence decisions;
- moving allowances;
- denial of tuition assistance;
- merit increase allocations;
- all disciplinary actions against personal senate staff;
- investigatory suspensions against personal senate staff; and
- alleged political affiliation discrimination against personal senate staff.

Issues determined to be non-grievable are subject to summary dismissal.

Performance Reviews. An employee (excluding personal senate staff) may only grieve the contents of a performance review, based on one of the following:

- That undue influence was exerted on the rating official to distort the objectivity of the review;
- That the rating official was not in a direct supervisory or management position covering the daily work of the employee being rated.

The only finding authorized by the Executive Board during the grievance procedure in such cases is (1) the retention of the performance review as written to remain a part of the employee's permanent record, or (2) destroying the entire performance review and all reference to it in the employee's permanent record.

Effect of Grievance on Management Action and Employee Status. Filing of a grievance does not delay the effective date of any management action. Filing of a grievance shall not jeopardize the grievant's position, opportunities for advancement, or salary increases. No employee may be coerced by a Senator, division director, or other employees into not proceeding with a grievance or not appearing as a witness at a hearing.

Depositions and Discovery Process During Grievances Involving Dismissal. The employee and/or the Legislature may take the deposition of any witnesses or the other party upon 10 workdays notice to the other party in grievances involving dismissal. At any stage after this type of grievance is put into writing, the employee and/or the Legislature has the right to request documents relevant to the grievance. (Only documents may be requested through the discovery process.)

Such requests and/or notice shall be addressed to the party from which the documents are sought, with a copy supplied to the Chairperson of the Executive Board. Only documents which are relevant or would lead to relevant evidence for the grievance may be requested; however, in no case may documents be requested which are recognized as privileged by the Courts of this State.

Documents must be provided within 10 work days of receipt of request, unless objections are entered. Objections to such requests may be made only to the Chairperson of the Executive Board within five work days of receipt of the request. The Chairperson shall affirm or deny such objections within 10 work days of receipt of the objections and shall establish time limits for response when objections are denied.

Within five work days of receipt of the documents, the requesting party shall notify the answering party of any failure on the part of the answering party to properly respond to the request.

Except where objections to such requests are sustained, the failure to respond to any discovery requests may result in the answering party being denied the right to introduce the requested evidence or such other remedy as is deemed appropriate by the Chairperson of the Executive Board.

Settlement. At any time during the grievance procedure, the parties may reach a settlement and thereby terminate the process. The settlement must be in writing and is binding on both parties. The settlement must be signed by both parties, and shall include a statement that neither party will pursue the matter further as long as settlement agreements are followed. A copy shall be sent to the Chairperson of the Executive Board. At this point, the grievance will be considered to be withdrawn and the matter considered closed by the grievant. If either party fails to abide by a settlement, the violation may be grieved.

Grievance Procedure Steps and Time Allowances. (If the grievance involves an involuntary separation, the grievant may skip Step 1 and go directly to Step 2--Executive Board level.) If the supervisor, in the first two steps of a grievance, fails to respond to the grievant within the specified time period, the grievance shall be considered denied, and the grievant may forward his/her grievance to the next step. If the grievant fails to advance a grievance to any step, the grievance shall be considered discontinued by the grievant and the matter is considered closed. Time allowances of any steps may be extended by the Chairperson of the Executive Board as long as both parties are notified of the extension and the reason for it or by mutual agreement of the parties. The progressive steps and time allowances for the official grievance procedures are as follows (workdays exclude Saturdays, Sundays, and state holidays):

Step 1. Formal Written Grievance. Within 15 work days of the occurrence of the grieved action (or from the day the employee could reasonably have known about the action) the employee shall present a formal written grievance to his or her immediate supervisor. This document shall contain a statement of the grievance by indicating the issue(s) involved, the relief sought, the date the grieved action took place, if known, and the specific section or sections of State Statutes or Legislative Council Policies involved.

If the immediate supervisor did not make the grieved decision, he or she shall note this fact in writing and forward it to the person who made the decision within two work days, skipping any levels of intermediate supervision.

If the immediate supervisor is the person who made the decision that resulted in the grievance, he or she shall, within 10 work days of receiving the formal written grievance, discuss it with the grievant and prepare a written response. If the grievant is not satisfied with the response of the immediate supervisor, and if the immediate supervisor is someone other than the grievant's Senator or division director, the grievant may deliver the formal written grievance to his or her Senator or division director for review and action.

The Senator or division director shall discuss the grievance with the grievant, then reply in writing within five work days of receiving the formal written grievance. The Senator or division director shall be responsible for consulting with all necessary levels of supervision in the preparation of his or her written response to the grievant.

Step 2. Appeal to Executive Board. If the grievant wants to appeal the decision of the division director or Senator to the Executive Board, the appeal must be filed within five work days of receipt of the Step 1 reply. The appeal process is not to be abused through frivolous use.

A. Mediation. The Chairperson of the Executive Board may appoint a neutral mediator within five work days of receipt of the appeal. All parties shall be notified by the Chairperson of the Executive Board of the appointment of a mediator. The mediator shall be either the Public Counsel or the Deputy Public Counsel for all cases not involving employees of the Ombudsman's Office. The Clerk of the Legislature or the Assistant Clerk shall act as mediator in any appeals involving employees of the Ombudsman's Office. The neutral mediator shall discuss the grievance with the grievant and Chairperson of the Executive Board, Senator or division director, to determine if a settlement can be reached. If either party rejects mediation, or if no settlement or decision is reached within 10 work days after the notification of appointment of a mediator, the Chairperson of the Executive Board shall notify all parties of the rejection of mediation or of the failure to reach a settlement. At that time, the process goes to Step B below.

B. Executive Board Hearing. If a grievance is appealed to the Executive Board, the Executive Board shall determine if an appeal hearing will be held. The Executive Board may elect to conduct the hearing or may designate that a hearing officer shall be appointed by the Chairperson of the Executive Board to conduct the hearing and recommend a decision to the Board.

The Chairperson of the Executive Board shall, on behalf of the Executive Board, notify the appropriate parties that an appeal has been filed. The grievant may appear in his or her own behalf in the appeal, or may be represented by an attorney.

If a hearing officer is designated to hear a grievance appeal, the grievant, Senator or division director may disapprove the initial designation and request that another person be designated as the hearing officer. The second designation as chosen by the Chairperson of the Executive Board shall be final.

The Executive Board or hearing officer shall hold a hearing at the earliest date possible, or the Executive Board shall inform all parties that the issue is not grievable. A decision by the Executive Board that the issue is not grievable is final.

The Executive Board or hearing officer may require a pre-hearing conference to deal with such matters as may be appropriate, including: The exploration of settlement possibilities; the preparation of stipulations; clarification of issues; rulings on identity and limitation of the number of witnesses; objections to proffers of evidence; determinations of the extent to which direct evidence, rebuttal evidence, or cross examination will be presented in written form; the extent to which telephone, television, or other electronic means will be used as a substitute for proceedings in person; the order of presentation of evidence and cross examination; rulings regarding issuance of subpoenas, discovery orders, and protective orders; and such other matters as will promote the orderly and prompt conduct of the hearing.

The Executive Board or hearing officer shall issue a pre-hearing order incorporating the matters determined at the pre-hearing conference. The Executive Board or hearing officer may conduct all or part of the pre-hearing conference by telephone, television, or other electronic means, if each participant in the conference has an opportunity to participate in, to hear and, if technically feasible, to see the entire proceeding while it is taking place.

Failure by either party to appear at a pre-hearing conference or respond timely to a pre-hearing order may bind that party to the issues, witnesses, evidence, etc., submitted by the opposing party, or to those established by the Executive Board or hearing officer, which shall control the presentation of issues, witnesses, exhibits, etc, during the hearing.

When a hearing on the appeal is to be held, a hearing date shall be set by the Executive Board or hearing officer, and the Executive Board or hearing officer shall serve written notice of the time and place of hearing upon the grievant, the Step 1 decision-maker, and all attorneys of record involved in the appeal. The Chairperson of the Executive Board, another member appointed by the Chairperson of the Executive Board, or a hearing officer shall preside at the hearing and rules of evidence shall not apply.

Either party may present witnesses and/or written data; however, each party is responsible for contacting witnesses and arranging for their appearance. The Chairperson of the Executive Board or hearing officer, or a designee, may administer oaths to witnesses at the hearing.

If either party to a grievance hearing before the Executive Board wishes to use any legislative employee as a witness in the presentation of their case, they shall request the Executive Board or hearing officer, through the Chairperson of the Executive Board, to compel the attendance of the witness. No employee shall appear at a grievance hearing before the Executive Board or hearing officer without a "compelled to attend" order from the Chairperson of the Executive Board. The Executive Board or hearing officer may also limit the number of witnesses either party may call to testify, considering relevancy of proposed testimony and whether or not it would be repetitious.

If employees are compelled to attend a hearing during their regularly scheduled work hours, they shall be granted sufficient time off from their assigned duties to appear and shall not have their pay reduced as a result.

The Chairperson of the Executive Board or hearing officer may issue subpoenas. Either party to the grievance may request that witnesses be subpoenaed. The cost of serving any subpoenas shall be paid by the requesting party. Applications for issuance of subpoenas shall be submitted to the Chairperson of the Executive Board or hearing officer. Applications must be in writing and submitted at least eight days prior to the hearing.

The Executive Board or hearing officer may request opening and/or closing statements from both parties in the grievance hearing. The parties may be required to submit summary briefs at the direction of the Chairperson of the Executive Board or the hearing officer.

Senators or division directors may present their cases either personally or through their authorized representatives. The Senator or division director bears the burden of proof of showing that his or her decision was made in good faith and for cause, and of showing that the proper procedures, rules and regulations or relevant statutes were followed. The Senator or division director shall normally proceed first in the presentation of evidence in the hearing. The Executive Board or hearing officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs and may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

The grievance hearing before the Executive Board or hearing officer shall normally be open to the public, unless the grievant requests a closed hearing, in which case the Executive Board or hearing officer shall determine whether or not the hearing shall be closed, and that decision shall be final. If the hearing is closed, certain persons may be admitted if the Executive Board or hearing officer determines their presence is appropriate.

In the event that one party fails to appear at the grievance hearing scheduled by the Executive Board or hearing officer, both parties to the grievance shall be advised of a new date for a hearing on a default judgment against the party who failed to appear. At that hearing, default judgment shall be entered unless the party who failed to appear shows good cause for having failed to appear. Failure to appear at the rescheduled hearing shall be sufficient cause for the Executive Board or hearing officer to enter a default judgment against the party who failed to appear.

If a hearing officer conducts the hearing, written recommendations shall be issued and forwarded to the Executive Board within 15 work days after the date of the hearing. The Executive Board shall then meet as soon as possible to decide on the recommendations.

C. Scope of the Executive Board's Review. The authority of the Executive Board is to assure that the decision of the Senator or division director was made in good faith and for cause, and to assure that the proper procedures, rules and regulations or relevant statutes were followed.

D. Decision of the Executive Board. The Executive Board's final decision requires a majority vote of those hearing the appeal. If a tie vote is cast, the decision of the Chairperson of the Executive Board shall prevail.

The Executive Board shall normally announce its decision immediately following its balloting, but in no case later than its next formal board meeting. The formal written decision shall be issued within 15 work days after the date the Executive Board arrives at a decision, and shall be signed by the Chairperson of the Executive Board, with individual Executive Board members' votes recorded.

The drafting of a dissenting opinion shall be the responsibility of the dissenting Executive Board member. The written dissenting opinion shall be sent to the Chairperson of the Executive Board within 15 work days of the date the Executive Board arrives at a decision unless an extension is granted by the Chairperson of the Executive Board, or by majority vote of the Executive Board members present.

A record of all proceedings shall be kept in the office of the Chairperson of the Executive Board.

Actions of the Executive Board after the Appeal Hearing. Copies of the Executive Board's decision shall be forwarded to the grievant, the Senator or division director, and any other parties the Executive Board decides are entitled to a copy. The original copy of the decision shall be filed in the Clerk of the Legislature's office. The Executive Board's formal written decisions are public information and are available for review, unless the hearing was closed, in which case only the Executive Board's motion and vote shall be made public.

The decision of the Executive Board shall be binding on all parties involved. No further appeals are provided by policy or law.

INSURANCE BENEFITS

State Employees' Insurance Benefits. Permanent Legislative Council employees who work one-half or more of the regularly scheduled hours during each pay period are offered the State of Nebraska comprehensive insurance benefit plans. These insurance plans include, but are not limited to:

- Health Insurance with prescription coverage
- Dental Insurance
- Vision Insurance
- Life Insurance
- Dependent Life Insurance
- Supplemental Life Insurance – Based on salary, option and age
- Accidental Death and Dismemberment (AD&D)
- Long Term Disability Insurance – Based on salary, option and age
- Flexible Spending Accounts – Medical Reimbursement and Dependent Care Reimbursement

The State contributes 79% of the health insurance premium and 100% of the basic life insurance coverage for full-time employees. The State's share of the contribution is prorated for part-time employees and for employees that do not work a full pay period. All other insurance plans are offered to employees at a group rate. Participation in the State's insurance programs is voluntary.

New employees must sign up for these plans within 30 days of their start date to participate. Coverage becomes effective the first day of the month following 30 calendar days of eligible employment. The next time employees have the ability to elect, review and change their coverage plans or their carrier is during the annual open enrollment period with coverage effective January 1 of the following year. Employees may also make limited changes at other times of the year if they experience a qualifying event (birth or adoption, death, marriage, divorce or legal separation, the ineligibility of a dependent due to age, student status or marriage, a change in employment status for you or your spouse if it affects your benefit eligibility, and a change with a spouse's open enrollment period at his or her place of employment.) Any change in coverage must be made within 30 days of the qualifying event. Documentation of the qualifying event may be requested before the change will be approved.

Employees' contributions to the health, vision and dental insurance plans are tax-sheltered under Internal Revenue Code, Section 125. Anyone who participates in the health, vision or dental insurance plans will pay their portion of the premium with before-tax dollars, which are automatically deducted from the employee's paycheck. The State also allows employees to participate in two tax-sheltered flexible spending accounts, the medical reimbursement account, and/or dependent care account.

Temporary employees whose work assignment is for six months or more and work at least 20 hours per week are eligible for health and dental insurance and long-term disability. The State's share of the contribution is prorated for part-time employees and for employees who do not work a full pay period.

Retiree Insurance Program. In addition to the provisions outlined in Sections 84-1601 through 84-1615 of the Nebraska Revised Statutes, an employee who is eligible for retirement and does retire, shall be afforded the opportunity to continue insurance coverage in the group plans (health, dental and vision insurance and EAP) until he or she becomes Medicare eligible. The employee shall be responsible for the entire cost of the premium for the plans chosen.

Additional Information. Specific information regarding the state employees' insurance coverages, options, including contribution amounts, eligible status changes, open enrollment, options at termination/retirement which include the retiree insurance program and/or COBRA options are available by contacting the Legislative Accounting and Budget Office. Employees may also access the State Employee Benefits Home page www.das.state.ne.us/personnel/benefits.

LEAVE

Authorized Leave. The following are forms of authorized leave: holiday, administrative, vacation, sick, injury, military, family military, civil, family medical, funeral, and leave of absence. An employee may be required to provide appropriate documentation.

Adjustment for Authorized Leave. An employee's service date, merit date, position date and probationary date, if applicable, shall be adjusted for any approved non-paid absences in excess of 14 consecutive calendar days. This provision shall not apply when an employee is still eligible for worker's compensation payments. Session employees shall only have their service date and probationary date adjusted.

Unauthorized Leave. An absence by an employee not authorized or covered by these policies shall be considered unauthorized leave.

Adjustment for Unauthorized Leave. An unauthorized leave shall be in a non-pay status, and if it lasts more than one work day, the employee's service date, merit date, position date and probationary date, if applicable, shall be adjusted to reflect the absence.

Record of Leave. The Legislative Accounting and Budget Office shall maintain a record for each employee, accounting for time worked and all absences from work.

Holidays. The following holidays, and others when declared by proclamation of the Governor or the President, are compensated holidays for employees other than temporary and are scheduled on the dates indicated:

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Arbor Day	Last Friday in April
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Day	December 25

Weekend Holidays. When a holiday falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, it is observed on the following Monday.

Work on an Observed or Actual Holiday. Full-time or part-time employees, other than temporary employees, who work on a holiday shall receive compensation in the form of pay or time off within the next 12-month period, for hours actually worked on the holiday (either observed or actual, but not both). This is in addition to their holiday leave pay for hours scheduled to work that day. In no case shall an employee receive both additional pay and time off for working an observed or actual holiday.

Eligibility for Holiday Leave. Unless excused by their supervisor, employees must be in a pay status on the workday immediately preceding and the workday immediately following an observed holiday in order to receive compensation for that day. Employees shall not receive holiday pay or time off if the holiday occurs during a period of non-paid leave; however, if the holiday occurs during a paid leave, the employee is considered to be on holiday leave for the day of the holiday, rather than any other type of leave.

Transferring Employees. Holidays which fall between the dates of transfer from a state agency to the Legislative Council are paid for by the agency from which the employee is transferring.

Holiday Leave for Part-time Employees. Employees working part-time schedules (less than full-time) will receive paid time off for holidays on a pro-rated basis.

Holiday Leave for Temporary Employees. Temporary employees are not eligible for holiday leave, and if required to work on a holiday or observed holiday, are paid for the time worked at their normal rate of pay.

Administrative Leave. Administrative leave may be granted by the Executive Board. Permanent employees working at the time leave is granted will receive leave with pay on a prorated basis.

Vacation and Sick Leave Adjustment.

Service Date Adjustment. The service date is the date of hire for a new employee. The service date for rehired employees shall be adjusted by the number of calendar days absent if reemployed within five years. Suspensions without pay, unauthorized leaves of longer than one day, and leaves of absence which exceed 14 calendar days (except military leave) also require adjustment of service date. Employees who left state service, for other than disciplinary reasons, and return within five years shall be given credit for previous state service by having their service date reinstated minus the amount of time absent. Employees who retire from state service and are rehired start with a new service date.

Advancement of Vacation and Sick Leave. Any Senator or division director may advance vacation and sick leave to employees in an amount not to exceed 40 hours (prorated for part-time employees). The Chairperson of the Executive Board may advance vacation and sick leave to employees in an amount not to exceed a total of 80 hours (prorated for part-time employees). Employees shall reimburse the state for all used unearned vacation and sick leave upon separation or transfer.

Leave for Employees Working for More than One Agency. Employees working for more than one agency earn vacation and sick leave from each agency, prorated according to time worked with each agency.

Transferring Vacation and Sick Leave Balance to Another Agency. Employees who transfer from one agency to another may have their accrued vacation and sick leave transferred to the new agency and shall not start with a negative balance. Upon mutual agreement between the two agencies involved and the employee, a portion of accumulated vacation leave may be transferred to the new agency, with the former agency paying the employee for the non-transferred portion. Transferring employees shall not start with a negative balance.

Vacation and Sick Leave Accumulation for Employees. Employees must be in a pay status in order to earn vacation and sick leave. Vacation and sick leave shall be earned in proportion to the time worked in each pay period.

Temporary Employees. Temporary employees do not earn vacation or sick leave. Service performed in a temporary status shall not be considered in computing years of service for vacation or sick leave entitlement.

Vacation Leave. All employees, excluding temporary employees, earn paid vacation leave. Earning of vacation leave begins immediately upon employment and it may be requested as soon as it is earned, subject to the provisions of the remainder of this section. Full-time employees, other than temporary, earn vacation leave according to the following schedule:

1st through 5th year	96 hours	12 days
6th year	120 hours	15 days

7th year	128 hours	16 days
8th year	136 hours	17 days
9th year	144 hours	18 days
10th year	152 hours	19 days
11th year	160 hours	20 days
12th year	168 hours	21 days
13th year	176 hours	22 days
14th year	184 hours	23 days
15th year	192 hours	24 days
16th year and thereafter	200 hours	25 days

Scheduling Vacation Leave. Vacation leave should be applied for in advance by the employee and may be used only when approved by the employee's supervisor. Vacation leave may not be unreasonably denied or deferred so that the employee is deprived of vacation rights.

Balancing of Vacation Leave. All employee's accumulated vacation time in excess of 35 days shall be forfeited as of December 31 of each calendar year. In special and meritorious cases, when it would cause hardship for an employee to take earned vacation leave before December 31, excess carryover leave may be approved by the Chairperson of the Executive Board. The hours carried over shall be used within the next six months. In no case shall approved carryover vacation continue from year to year.

Vacation Leave Payment. Employees who leave employment for any reason shall be paid for any unused accumulated vacation leave earned, calculated on their base hourly rate at the time of separation. Pay for the unused accumulated vacation leave shall be in a lump sum addition to the employee's last paycheck.

Sick Leave. All employees, excluding temporary employees, earn sick leave. Earning of sick leave begins immediately upon employment and may be requested as soon as it is earned, subject to the provisions of the remainder of this section. Full-time employees, other than temporary, earn sick leave according to the following schedule:

1st year through 5th year	96 hours	12 days
6th year	136 hours	17 days
7th year	144 hours	18 days
8th year	152 hours	19 days
9th year	160 hours	20 days
10th year	168 hours	21 days
11th year	176 hours	22 days
12th year	184 hours	23 days
13th year	192 hours	24 days
14th year	200 hours	25 days
15th year	208 hours	26 days
16th year	216 hours	27 days
17th year	224 hours	28 days
18th year	232 hours	29 days
19th year	240 hours	30 days
Maximum Accrual	1440 hours	180 days

Conditions for Using Sick Leave. The following conditions are considered valid reasons that sick leave may be used:

When an employee is unable to perform his or her duties because of sickness, disability, or injury. Pregnancy, post-natal recovery and miscarriage shall be considered temporary disabilities.

When an employee obtains medical, surgical, dental or optical examinations or treatment, or Employee Assistance Program services.

When an employee's presence at work jeopardizes the health of others by exposing them to a contagious disease.

When the illness, disability, injury or medical, surgical, dental, optical or EAP appointments of an immediate family member demands the employee's presence. The immediate family shall be considered as: spouse, children, parents, grandparents, grandchildren, brothers, sisters, or persons bearing the same relationship to the spouse. At the Senator's or division director's discretion, the definition of immediate family may be broadened. Employees may use vacation time for care of family members when their presence is helpful, but not essential.

Request for Sick Leave. Sick leave shall be requested in advance when possible. In the case of illness, injury, emergency or any other absence not approved in advance, the employee shall inform the supervisor of the circumstances as soon as possible. An employee may be required to submit substantiating evidence when the reason for the leave request was a medical or dental appointment or when the supervisor suspects sick leave abuse. Substantiating evidence will be required if the sick leave absence is 10 work days or longer, except for post-natal recovery when substantiating evidence will be required after 30 work days. When substantiating evidence is required, the Senator or division director shall request only the minimum information necessary and any personal medical information obtained shall be protected as directed by HIPAA (Health Insurance Portability and Accountability Act) law.

Sick leave shall be denied when the supervisor has facts showing that the employee is abusing sick leave.

Sick leave shall not be used as vacation leave.

Balancing of Sick Leave. The sick leave account of each employee shall be balanced to a maximum of 1440 hours on December 31 of each year. Sick leave may be accumulated in excess of 1440 hours during a year, but the excess shall be forfeited when balanced.

Forfeiting of Sick Leave Upon Separation and Sick Leave Payments upon Retirement or Death. All sick leave shall be forfeited upon separation from employment, except that an employee age 55 or above, or of a younger age if the employee meets all criteria necessary to retire under the primary retirement plan covering his or her State employment, or at death, shall be paid one-quarter of his or her employee's accumulated sick leave.

Sick Leave Reinstatement. An employee who has left state service for other than disciplinary reasons and returns within five years shall have reinstated to the sick leave account all earned sick leave not used at time of departure. Any employee who has retired or voluntarily separated in lieu of retirement and was paid one-fourth of the previous sick leave balance shall, if he or she returns to state employment, not have any sick leave reinstated and shall not be credited with past service for sick leave purposes.

Employees eligible for sick leave pay out upon retirement shall have the option to defer the payment of one-quarter of their sick leave account for up to 12 months. Should the employee return to state employment within 12 months, the employee's sick leave balance and service date shall be reinstated (minus time in a non-pay status). Should the employee not obtain further state employment at the end of the 12-month period, he or she must contact the Legislative Accounting and Budget Office and the Legislature shall then pay them one-quarter of their sick leave account with the rate of payment based upon the employee's regular pay when she or he left legislative employment.

Funeral Leave. Up to five days leave may be granted to employees for death in the immediate family. The immediate family shall be considered as: spouse, children, parents, grandparents, grandchildren, brothers, sisters, or persons bearing the same relationship to the spouse. Step-persons bearing these relationships are included. At the division director or Senator's discretion, this definition may be broadened on an individual basis. Division directors or Senators may grant employees time off to attend funerals of non-family members, with a limit of up to eight hours of leave granted per funeral.

Injury Leave and Workers' Compensation.

Eligibility. Employees (including temporary) who are disabled as a result of a job-related injury or disease may be granted injury leave not to exceed five of the employee's normal working days for any particular injury. A working day is counted even if an employee is absent for any portion of the assigned day. The use of injury leave and worker's compensation is determined by the State's Third Party Administrator and/or the Department of Administrative Services, Division of Risk Management.

Disabled means the employee is unable to perform the tasks usually encountered in one's employment due either to an injury or disease or to treatment for an injury or disease.

Date of disability means the first day on which the employee originally lost time from work due to the occupational injury or disease.

Any job-related injury or disease shall be reported to the proper agency authority as soon as possible and the Legislative Accounting and Budget Office shall have the responsibility to supply all the necessary information to the Department of Administrative Services, Division of Risk Management. The State's policy is that any and all employee injuries, regardless of severity and whether or not medical treatment was needed, should be filed on a First Report of Alleged Occupational Injury or Illness Form. In order to file a workers' compensation claim, a First Report of Alleged Occupational Injury or Illness Form must be completed. No employee shall receive payments (workers' compensation plus regular pay) in excess of his or her regular gross wage.

Use of Sick and/or Vacation Leave to Supplement Workers' Compensation Payments. Employees being paid workers' compensation for job-related injuries or disease may use sick, vacation, or compensatory leave time to supplement the payment up to, but not to exceed, their regular gross pay. Before calculating the amount of accrued leave time eligible to be used, agencies should contact the Workers' Compensation Benefits Administrator to obtain the amount of workers' compensation payment the employee will receive. Workers' compensation benefits are not taxable. The formula for calculating the amount of accrued leave eligible to be used is as follows:

Normal gross wage minus the amount of workers' compensation payment minus any gross payment for hours actually worked divided by the hourly rate in effect at the time of the injury equals the maximum number of accrued leave time hours that may be used to supplement the workers' compensation payment.

In the event the supplemental amount is not enough to cover the cost of all voluntary deductions, the employee can make direct payment for those deductions not covered.

Employees on workers' compensation shall be treated as part-time employees for purposes of leave earnings. They shall earn prorated sick and vacation leave based on the number of hours worked and/or accrued leave time hours used to supplement the workers' compensation payment. If they do not have, or choose not to use, accrued leave time to supplement the workers' compensation payment they will earn leave time only on the number of hours worked, if any.

Holidays occurring during this period shall be paid at a rate proportionate to the amount of accrued leave time being used.

After all accrued leave time has been exhausted, an employee shall not be entitled to any leave or pay benefits except as authorized under workers' compensation, and at the discretion of the Chairperson of the Executive Board shall, be carried in a leave-without-pay status while on workers' compensation. This type of leave of absence may exceed one calendar year. No adjustment to the employee's service date, merit date, position date or, when applicable, probationary date, is necessary for this unpaid leave.

For a period of one year after the date of disability and upon termination of workers' compensation, and after the physician has released the employee to return to work, the employee shall be reinstated to his or her former classification with no salary reduction. If the employee's former position is not available, the Legislature shall place the employee in a similar position and, at the discretion of the Chairperson of the Executive Board, may have his or her salary reduced.

For a period of one year after the date of disability and after the physician has released the employee to return to work, if disabled and unable to return to the former classification the employee shall be reinstated to a vacant position, if available, for which he or she is qualified and physically suited and, at the discretion of the Chairperson of the Executive Board, may have his or her salary reduced.

After one year from date of disability, if the employee has not or is not able to return to work the Legislature is relieved from any re-employment obligation and the employee may be terminated.

Employee Health Insurance. An employee's health insurance will continue with the appropriate employer contribution during an absence under workers' compensation after all accrued leave time has been depleted, provided the employee makes his/her required contribution.

Military Leave.

Active Service. Legislative employees (including temporary employees) who are members of the Nebraska National Guard or any other reserve component shall be entitled to a military leave of absence from their respective duties, without loss of pay as prescribed below, when employed with or without pay, under the orders or authorization of a competent authority in the active service of the State or of the United States. Members who normally work, or are normally scheduled to work, less than 120 hours in three consecutive weeks shall receive a military leave of absence each calendar year equal to the number of hours they normally work or would normally be scheduled to work, whichever is greater, in three consecutive weeks. Such military leave of absence may be taken in hourly increments and shall be in addition to the regular annual leave. ("Annual leave" is interpreted to mean "vacation leave" for legislative employees.) Such orders shall be from the Adjutant General's office of the Nebraska National Guard or from a reserve component which has specific authority to issue military orders.

When an employee's active service period continues into a new calendar year, the employee becomes eligible for another 120 hours of military leave on January 1 of the new calendar year. The agency shall contact the employee or a member of the employee's family to advise them of this eligibility. The employee may choose to utilize it or save it for later in the calendar year. In no case does the leave carry over into another calendar year. The employee, or duly delegated family member, shall notify the agency, in writing, of the decision.

State Active Service for Emergencies. When the Governor of this state declares that a state of emergency exists, legislative employees (including temporary employees) who are members of the Nebraska National Guard or any other reserve component, who are ordered to active service of the State, shall be granted a state of emergency leave of absence until such employee is released from active duty of the State by competent authority. A military leave of absence shall not be used during a state of emergency declared by the Governor. Other forms of leave may be granted. During a state of emergency leave of absence because of the call of the Governor, any official or employee subject to this section shall receive his or her normal salary or compensation minus the State active

duty base pay he or she receives in active service of the State. Government officers serving a term of office shall receive their compensation as provided by law. Pay vouchers shall be retained at the Legislative Accounting and Budget Office in the employee's personnel file.

Sick and vacation earnings and holiday pay are continued during the authorized absence.

Enlistment or Extended Duty. Employees, other than temporary, who leave their positions to undergo military training or extended duty with the armed forces of the United States or undertake military duty in the active service of the state shall be entitled to a leave of absence for a period of such training and/or service, not to exceed five years. This shall be without loss of pay during the first 15 work days of the leave of absence, provided they have not already used the allotted time in that calendar year. All actions related to an employee's employment are subject to the Reemployment Rights Act of 1994 (USERRA, 38 USC 4316 (2004), 38 USC 4317 (2004) and 38 USC 4318 (2004)) and amendments.

Upon returning from training and/or service within five years, employees shall be entitled to be reinstated in their former position or a similar position at a salary level they would have been entitled to had they not been on leave of absence, if application is made in accordance with USERRA provisions (38 USC 4312 (2004)). The employee's service date, merit date, position date, or when applicable, probationary date shall not be adjusted due to this type of leave of absence.

Copies of Orders. Proper documentation, including copies of orders for all military leave absences, must be retained in the Legislative Accounting and Budget Office in the employee's personnel file.

Civil Leave. All employees shall be eligible for paid civil leave under the following conditions:

Jury Duty. If an employee is called on to serve as a juror, he or she shall be entitled to paid civil leave in addition to jury duty pay. An employee shall return to work when not actually serving as a juror on a daily basis.

Election Board Duty. If an employee is appointed on an election or counting board, he or she shall be entitled to paid civil leave in addition to pay for this service.

Voting Time. All employees shall be given up to two hours for the purpose of voting provided the employee does not have sufficient time before or after regular duty hours to vote. The two hours authorized for voting does not apply to those employees who by reasons of their employment must vote by use of an absentee ballot.

Court Appearances. Time spent by employees appearing in court as a function of their job shall be considered as hours worked. All witness fees and reimbursements received as a result of these court appearances shall be returned to the State.

Employees attending court as a plaintiff, defendant, or witness on non-work related matters, may use vacation leave or earned compensatory time. In the event the employee is subpoenaed for non-work related matters and does not have vacation leave or compensatory time the agency head shall grant leave of absence. Any witness fees paid to the employee for these court appearances shall be kept by the employee.

Disaster Relief Leave. Employees who provide proof of their disaster relief volunteer certification with the American Red Cross may, with approval of a Senator or division director, be granted paid civil leave not to exceed 15 working days in each calendar year to participate in specialized disaster relief services in Nebraska for the American Red Cross, upon the written request of the American Red Cross.

Leave of Absence. The Chairperson of the Executive Board may grant employees, including temporary, an unpaid leave of absence, not to exceed one year (except for military service and some workers'

compensation cases), when such absences will not interfere with the best interest of the Legislature. Under unusual circumstances this time may be extended by the Chairperson of the Executive Board. Written requests for leaves of absence will be considered for such things as temporary disabilities (i.e., leave for maternity), educational purposes, newly adopted children or other uses. The leave of absence, when granted, shall be in writing and detail the employment conditions that will be in effect at the end of the absence.

During the leave of absence, the temporarily vacated position may be filled by either employing a temporary employee or assigning another qualified employee to assume the duties of the position.

Sick and vacation leave will not accrue during a leave of absence.

Sick and vacation leave earned but unused prior to leave of absence will be carried forward upon the employee's return.

The employee's service date, merit date, proficiency date, position date, and probationary date, if applicable, shall be adjusted for a leave of absence in excess of 14 consecutive calendar days, except when an employee is still eligible for worker's compensation payments.

No reassignment to a higher classified position shall be effective unless the reassigned employee performs a significant part of the duties and responsibilities in the classified position description for 60 consecutive calendar days.

Leave for Permanent Part-time Employees. All types of leave are granted in proportional amounts for permanent part-time employees.

Leave for Temporary Employees. A Senator or division director may grant a leave of absence to a temporary employee for any type of excused absence.

Family and Medical Leave.

In the spirit of the Federal Family and Medical Leave Act of 1993, it is the policy of the Legislative Council to grant up to 12 weeks of Family and Medical Leave during any 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid depending on the circumstances as specified in this policy.

Eligibility. An employee must have at least 12 months of legislative service and at least 1250 hours of legislative service during the 12-month period immediately preceding the date of the request for leave to be eligible for Family and Medical Leave.

Types of Leave Covered. An employee may use Family and Medical Leave for the following reasons:

- The birth of a child of the employee and in order to care for that child.
- The adoption or placement of a foster care child with the employee.
- To care for an employee's spouse, child or parent with a serious health condition. This coverage may be extended to the care of other people at the discretion of the Chairperson of the Executive Board.

Child may include step-children, foster children or other children having more than a short-term residence in the employee's home, such as legal wards of the employee.

Parent may include individuals other than natural or adoptive parents who have served in a long-term parental role for the employee.

- The serious health condition of the employee.

Serious Health Condition. A serious health condition is defined as a physical or mental condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers health conditions of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

Health Care Provider. Health care provider includes those health care professionals as defined in Section 825.118 of the Federal Regulations.

Certification of Serious Health Conditions. An employee requesting Family and Medical Leave due to the employee's serious health condition or the serious health condition of a member of the employee's family may be required to provide certification from the health care provider. If the employee is asked to provide certification it should be provided to the Chairperson of the Executive Board within 15 days of the request for certification. Failure to provide requested certification may result in a denial of continuation of leave. Medical certification must include the following information:

- (1) The date on which the serious health condition commenced;
- (2) The probable duration of the condition;
- (3) Any appropriate medical facts;
- (4) For a seriously ill family member, the statement must contain specific information why the employee is needed to care for the child, spouse or parent; and
- (5) If the leave is to be intermittent, a statement containing specific information concerning medical treatments and the expected dates and duration of treatment.

Second Medical Opinions. After consultation with the Chairperson of the Executive Board, a Senator or division director may require the employee to obtain a second medical opinion (the Legislature's choice of health care provider) and the Legislature must pay for the cost of the second medical opinion. If the second medical opinion differs from the first, a third medical opinion may be sought (from a mutually agreed upon health care provider), again at the Legislature's expense and only after consultation with the Chairperson of the Executive Board. Results of the third opinion are final.

Notice of Intent to Use Family and Medical Leave. An employee must provide a minimum of 30 days notice before he or she may use Family and Medical Leave. When 30 days notice is not foreseeable, notice must be given as early as possible by the employee or his or her designee. An employee whose absence is foreseeable is required to make a reasonable effort to schedule the treatment to minimize disruptions to his or her office.

If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the Senator or division director receives notice.

While on leave, an employee should report at least once every 30 days to his or her Senator or division director regarding the status of the medical condition, and his or her intent to return to work.

Use of Paid and Unpaid Leave. Family and Medical Leave is unpaid time off from work, except when the employee uses accrued sick leave or vacation leave.

Paid Leave as Part of Family and Medical Leave. An employee is required to use sick leave during a Family and Medical Leave absence when the reason for the leave is a serious health condition of the employee or of a family member (as certified by the health care provider). Sick leave time used for Family and Medical Leave purposes shall count against the employee's 12-week allotment. Vacation leave may be retained or used at the employee's discretion during Family and Medical Leave absences. If vacation time is used for Family and Medical Leave purposes, it shall count against the employee's 12-week allotment.

Note: Employees may use sick leave beyond the 12-week Family and Medical Leave limitation for appropriate sick leave reasons if the employee has accumulated such leave and with proper certification from a health professional.

Family and Medical Leave Designation. If an employee's sick leave absence is 10 work days or longer and the employee has not requested Family and Medical Leave, the employee may be asked to provide information for the purposes of determining whether Family and Medical Leave should be applied. If it is determined that the leave is for Family and Medical Leave purposes, then all leave absences taken or to be taken for the serious health condition shall be counted against the employee's 12-week Family and Medical Leave allotment. In no case will an employee's paid leave be counted against Family and Medical Leave after the leave has been completed.

Family and Medical Leave Duration. Total paid and unpaid leave time taken for Family and Medical Leave reasons is limited to 12 weeks within a 12-month period, starting with the date the employee first uses Family and Medical Leave. Sick leave absences due to a serious health condition (as defined above) will be counted toward the employee's twelve weeks per year Family and Medical Leave allotment.

An employee may take Family and Medical Leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12-month period.

For the birth, adoption or foster care of a child, the employee and Senator or division director must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the Senator or division director before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary and the employee may be required to provide the certification as discussed above.

Family and Medical Leave Determinations. The Chairperson of the Executive Board shall be notified by a Senator or division director regarding any requests for Family and Medical Leave. The Chairperson of the Executive Board shall be the final decision-maker on whether or not to deny or approve a request. Denial of a Family and Medical Leave request is grievable pursuant to the procedures set forth in these policies.

Family and Medical Leave Not Cumulative. Family and Medical Leave cannot be carried forward beyond the 12-month period and banked for future use.

Incremental Use of Family and Medical Leave. Family and Medical Leave may be taken in increments with proper medical certification.

Employee Status and Benefits During Family and Medical Leave.

Health Benefits. The Legislative Council will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work if the employee makes his or her required contribution. While on paid leave, the Legislative Accounting and Budget Office will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make his or her share of the premium payment, either in person or by mail. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition or other circumstances beyond the employee's control, the employee will be required to reimburse the Legislative Council for the employee's health insurance premiums paid during the leave period.

Other Benefits. If the employee contributes to a life insurance plan, disability plan, etc., the Legislative Council will continue to make payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue his or her share and the state's share of the premium payments. If the employee does not continue these payments, his or her coverage may be discontinued during the leave period.

Employment Status. An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. However, a returning employee is not entitled to any more rights, benefits, or employment beyond that to which the employee would have been entitled had the employee not taken Family and Medical Leave, including returning to a job when such job has ended due to elections or committee reorganizations.

Family and Medical Leave and Workers' Compensation. If an employee requests Family and Medical Leave due to an injury or illness qualifying for Workers' Compensation, the Legislative Accounting and Budget Office will contact Department of Administrative Services, Division of Risk Management for coordination of Workers' Compensation and Family and Medical Leave benefits.

Service Date Adjustments. An employee's service date, merit date, position date and, if applicable, probationary date shall be adjusted when an unpaid absence due to Family and Medical Leave exceeds 14 consecutive calendar days.

Records. Records and documents relating to a Family and Medical Leave request shall be kept in the Legislative Accounting and Budget Office for no less than three years. Information regarding medical certification shall be kept in a separate confidential file and not made part of the employee's personnel file.

Catastrophic Leave Program. When a legislative employee experiences a catastrophic event, he or she may request catastrophic leave donations, as provided below.

Catastrophic Event. A catastrophic event is defined as a serious illness or injury resulting in a prolonged absence of at least 30 work days during a six-month period. Catastrophic leave shall be available only to employees who have exhausted their own paid leave and only with approval of the Chairperson of the Executive Board.

Catastrophic Leave Donation. Legislative employees may contribute accrued vacation leave to benefit another legislative employee who is suffering from a catastrophic event. Once donated leave is transferred to a legislative employee pursuant to this provision, it is irrevocably credited to the recipient's catastrophic leave account. No more than nine months of donated leave may be received by an employee during a 12-month period.

Leave shall be transferred on an as-needed basis and converted to a dollar value, then converted to hours based on the recipient's hourly rate (number of vacation hours donated

times salary of donor divided by recipient's salary equals the number of catastrophic leave hours available to recipient).

If catastrophic leave donations exceed what is needed to cover the catastrophic event related absence, the submitted donations may be used for future absences related to the catastrophic event (e.g., follow-up medical appointments or treatments) for a period not to exceed one year. After one year from the date of the employees return from the first period of extended absence, or upon death of the employee, any remaining catastrophic leave balance shall be forfeited.

The provisions of this section are not grievable.

Eligibility of Recipient Employee. An employee shall meet the following criteria before request(s) for donations can be made:

1. Be suffering a catastrophic event resulting in a prolonged absence of at least 30 work days during the past six months;
2. Produce satisfactory medical verification;
3. Has completed original probation;
4. Has exhausted all earned paid leave time including compensatory time off, sick leave and vacation leave; and
5. Has not offered anything of value in exchange for the donation.

Process for Requesting Catastrophic Leave:

- Step 1. An employee submits the request form for catastrophic leave donations to the Senator or division director along with medical verification. This request form and medical verification information are then forwarded to the Chairperson of the Executive Board.
- Step 2. If the recipient meets the eligibility criteria, the Chairperson of the Executive Board will distribute a catastrophic leave donation memo and form to all legislative employees. Employees wanting to donate vacation leave will then submit their completed form to the Legislative Accounting and Budget Office.
- Step 3. If the criteria of the donors have been met, the Legislative Accounting and Budget Office will apply a conversion formula and process appropriate payroll changes to the receiving and donating employees' leave balances, based on supporting medical verification and on an as-needed basis. Donations will be converted by order of date and time received in the Legislative Accounting and Budget Office.
- Step 4. If the employee is still eligible and the leave is exhausted, the Chairperson of the Executive Board will re-distribute the catastrophic leave donation memo and form.

Eligibility of Donor. Before donating vacation leave, an employee shall meet the following criteria:

1. Has not solicited or accepted anything of value in exchange for the donation; and
2. Has remaining to his or her credit at least 40 hours of accrued vacation leave.

Vacation leave donated shall be no less than in one-day increments, calculated according to an employee's regular work schedule.

MERIT INCREASES AND PROFICIENCY PAYMENTS

Merit Increases. Merit increases may be granted to permanent employees to recognize meritorious job performance.

After two years of service in a position, and every year thereafter, an employee may be eligible for a merit raise on the employee's anniversary date until the maximum rate is reached. These increases are at the discretion of the Senator or division director and represent the ceiling of an employee's potential pay. The maximum amount of the merit raise, if any, shall be determined by the Executive Board.

A merit raise shall not be made retroactive if received after the merit date.

Performance Review. Prior to receiving a merit increase, a performance review must be completed annually for each employee using a written evaluation instrument. An employee with a meritorious performance review (as defined by the review process) may be eligible for a merit raise after the second year of service in the position and every year thereafter until the maximum rate is reached.

Proficiency Payments. Proficiency payments may be provided every four years to all eligible permanent employees at a rate to be determined by the Executive Board, until the maximum rate of the pay grade is reached. Proficiency payments are at the discretion of the Senator or division director. Employees at the maximum of their pay grade shall be eligible for the proficiency payment only if the Executive Board agrees to (1) authorize the employee's salary to exceed the maximum amount or (2) increase the maximum level of pay.

A proficiency payment shall not be made retroactive if received after the position date.

The Legislative Council's biennial budget request may include a request for funding proficiency payments. Payments are contingent on available funds.

Merit or Proficiency Date. The merit date or proficiency date is the date an employee is assigned to his or her current position. If an employee returns to the Legislature from other employment, and to the same classification, or to a position with a lower pay grade than the former classification, the previous legislative experience can be considered in adjusting the position date. If an employee changes from a position with a higher pay grade to a lower pay grade, the years of service in the higher classification are considered in setting the position date. This date is used as the eligibility date for merit increases.

MISCELLANEOUS

Rest Periods. Supervisors may grant employees rest periods not to exceed a total of 30 minutes during each work day. The rest periods shall begin no earlier than one hour after beginning the work day and no later than one hour prior to the end of the work day.

Other Employment. An employee may engage in additional employment or acquire private interest in business, provided such employment or interest does not interfere with the interest of the Legislature or the state statutes. It is advisable that the employee disclose any outside employment or interest in a business to his or her supervisor.

Conflict of Interest. An employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his or her duties in the public interest.

An employee is prohibited from using or attempting to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others.

An employee shall not give the impression that any person can improperly influence him or her in the performance of his or her official duties, or that he or she is improperly affected by the kinship, rank, position or influence of any party or person.

An employee shall not accept gifts of value or loans from persons doing business with the Legislature which are intended to or which appear to influence the official relationship between the donor and recipient.

An employee failing to resolve a conflict of interest, as prescribed in the procedures outlined by the Nebraska Accountability and Disclosure Commission, shall be subject to disciplinary action.

Nepotism. No Senator, division director or employee shall hire or supervise directly a member of his or her immediate family. Furthermore, no employee within a Senator's office shall have an immediate family relationship with another employee in that office. Immediate family shall be considered as: spouse, children, parents, grandparents, grandchildren, brothers, sisters or persons bearing the same relationship to the spouse (including the same for in-laws and step relations).

Political Activities. No employee shall use or authorize the use of state personnel, property, resources or funds for campaign purposes. Any person violating this section shall be subject to disciplinary action.

An employee may:

- File for public elective office while continuing to work for the Legislature.
- Be a candidate for partisan or non-partisan elective office and subsequently hold such office. The Executive Board has final authority on whether an employee elected to public office may continue employment with the Legislature while holding office.
- Attend political conventions and participate in proceedings of the conventions.
- Be a candidate for or serve as a delegate, alternate, or proxy for political conventions.
- Engage in volunteer work for a partisan or non-partisan candidate.
- Serve on committees that organize or direct activities at a partisan or non-partisan campaign meeting or rally.

- Originate, circulate, and/or sign petitions for candidates in a partisan or non-partisan election, as long as it is not during the employee's work hours.
- Serve at the polls as election officials, clerks, checkers, watchers, or challengers for any candidate.
- Make financial contributions to a political party or candidate.

An employee is prohibited from participation in any political activities during office hours or while otherwise engaged in the performance of official duties as an employee of the Legislature. Any person violating this section shall be subject to disciplinary action.

If an employee wants to take part in permitted political activities during what would be his or her normal work hours, he or she must make arrangements with his or her supervisor to use vacation leave or request a leave of absence. This includes campaign activities and serving in public office after election.

OVERTIME AND WORK SCHEDULES

Work Week. Senators and division directors shall determine each employee's work week, which will consist of seven consecutive calendar days. All employees shall be informed of their work week.

Pursuant to Section 84-1001 of the Nebraska Revised Statutes, employees, except permanent part-time employees and temporary employees, are expected to work a minimum of 40 hours per week and may be required to work additional hours as needed.

Eligibility for Overtime Status. Personal senate staff are exempt from overtime payment eligibility. The division director shall determine whether a class is exempt or non-exempt for overtime payment purposes. All employees are compensated based on the eligibility of their class.

Non-Exempt. These employees are eligible for compensation at one and one-half times their hourly rate (or monthly rate prorated on an hourly basis) either in the form of pay or compensatory time off, at the division director's discretion, for hours actually worked in excess of 40 hours in any work week. Leave time (vacation, sick, etc.) shall not be considered as actual hours worked. Holidays shall be counted as hours worked. This also applies to part-time employees who work over 40 hours in any work week.

Exempt. Division directors and their deputies shall not receive extra compensation either in the form of payment or time off for hours worked in excess of 40 hours in any work week.

Compensatory Time. Senators and division directors, at their discretion, may or may not allow the granting of compensatory time off for exempt employees. Such determination is not a grievable issue. If compensatory time off is allowed, the compensatory time granted shall not exceed one hour off for each hour worked in excess of 40 hours in a work week. Compensatory time must be taken within 12 months or it shall be forfeited.

PERFORMANCE REVIEWS

General. Senators and division directors are encouraged to conduct performance reviews. Such reviews provide an opportunity for ongoing analysis of work performance and productivity, discussion of expectations, and development of goals. This communication tool is vital for successful management of employees and for the Legislature, as an institution, to be an effective employer.

Administration. Performance reviews should be built on discussions, the implementation of goals, feedback, and ongoing communication. Sample forms are available on the UniNet.

PERSONNEL RECORDS

Accessibility of Records. Subject to state and federal law, the records of the Accounting and Budget Office are public and open to public inspection during regular office hours at such times and following such procedures as may be prescribed by the Legislative Business Manager. All personnel data maintained by the Legislative Accounting and Budget Office and in computer data bases, microfilm files and personnel folders shall be secured in strict conformance with federal and state laws governing the confidentiality of information. The information concerning an employee's or former employee's name, position, gross salary, date of hire, date of separation and agency where employed shall be considered public information. Non-public information may be released to the employee, and the employee's supervisory chain of command up through the division director or Senator (if personal senate staff) and to other state agencies performing a civil or criminal law enforcement investigation authorized by law. Non-public information from a current or former employee's personnel file may be released to a requesting party provided the employee has signed a release authorization, or a legal warrant is served requesting such information.

Maintenance of Records. The Legislative Accounting and Budget Office shall maintain certain personnel records. The required records are:

Individual vacation and sick leave records. NIS leave records are adequate for purposes of meeting this rule.

Records of all personnel transaction forms pertaining to individual employees.

Records of documents initiated by the employee that affect pay (W-4's, authorized deductions, etc.).

A former employee's personnel file may be destroyed 10 years after the employee's separation date. A brief file or information card shall be retained containing an employee's dates of employment and rates of pay. If there is a legal and/or administrative proceeding regarding the employee, records should be retained 10 years after all actions and/or appeals are complete and final.

The division director's or Senator's office shall maintain copies of the most recent performance reviews.

Rights of Review. Employees shall have the right to review their personnel file during regular office hours. Review may be done in the presence of a supervisor or the Legislative Accounting and Budget Office personnel.

Negative Documentation. Documentation (including performance reviews) which reflects unfavorably on an employee or former employee shall not be placed in his or her personnel file without his or her knowledge.

No negative documentation shall be placed in an employee's file after the separation of the employee unless the former employee is notified. Exceptions are reports, letters or documents originated and signed by the employee. An employee or former employee shall have the right to file a written rebuttal within 30 calendar days from date of notice to any negative documentation placed in his or her file with the exception of grievances settled. This written rebuttal shall be placed in the employee's personnel file.

Medical Information. Any medical-related information concerning employees shall be kept in a separate, secure file. In no case shall it be commingled with other personnel information.

PROBATIONARY PERIOD

Original Probationary Period. The original probationary period is an essential part of the employee selection process. This period is used by the employee for adjustment to the Legislature and by the Senator or division director to observe the employee's ability to satisfactorily perform assigned duties and responsibilities. All new employees are required to serve an original probationary period of six months from the date of hire, except that employees who are rehired within the same class within the Legislature may not be required to serve an original probationary period. An employee shall be removed from original probation on the day following the end of the original probationary period, unless notified of extension or separation by Senator or division director.

Temporary employment in the same class within the Legislature may be included as part of the original probationary period in a permanent position.

An employee may be transferred while on original probation (promotion, demotion, lateral move, or move to a lower position). An employee who is transferred while serving an original probationary period may have his or her probationary period extended.

Employees may be separated at any time during the original probationary period. Two weeks notice of separation does not have to be given to original probationary employees; however, the Senator or division director shall notify the employee in writing of the date his or her separation is effective. The reason for separation need not be documented in his or her personnel file, but may be discussed with the employee. Employees who are separated while on original probation do not have grievance rights.

Probationary Date Adjustment. This date shall be adjusted for any leaves of absence which exceed 14 consecutive calendar days.

Extension of Original Probation. A Senator or division director may extend the original probation of an employee for a period not to exceed one year from the date of hire, rehire, or transfer. The employee shall be notified in writing of the extension.

The notification of extension shall include the specific period of extension. In the cases of extension for performance reasons, the employee shall be provided specific performance improvement requirements. (An explanation of performance improvement requirements is not necessary for employees whose probation is extended because of promotion.)

Notification of extension must be provided to the employee before the expiration of the probationary period and shall not be backdated once the original probationary period has ended.

Transfer Probationary Period. In case of a promotion, demotion, lateral move, or a move to a lower position, employees may be required by the division director or Senator to serve a probationary period (Note: this is not another original probationary period.) The length of the probationary period is at the supervisor's discretion, but shall not exceed six months beginning on the date of the transfer. This probationary period in no way affects the grievance rights of an employee. If an employee cannot or does not perform satisfactorily in the class to which he or she was transferred, the Senator or division director may transfer the employee to another position of either the same salary grade or a lower salary grade. If no other position is available for transfer, the Senator or division director may reassign the duties of the employee, reclassify the employee to a classification of a lower salary grade, or terminate the employee.

RESIGNATIONS, LAYOFFS AND TERMINATIONS

Resignations. To resign in good standing, an employee must give written notice to his or her Senator or division director at least 10 work days before separation unless the Senator or division director agrees to a shorter period. Written notice must also be provided to the Legislative Accounting and Budget Office.

An employee may be considered to have abandoned the job if he or she has been absent from work for longer than one workday without being on approved leave, and such abandonment shall be considered as a resignation not in good standing.

Layoffs. The Chairperson of the Executive Board decides when a layoff is necessary and which classes will be affected.

Employees to be laid off shall be given a 15-work days notice prior to layoff, except that when emergency funding situations exist, this notice period can be shortened with the approval of the Chairperson of the Executive Board.

Bumping may occur only within a division. The division director shall decide if and how bumping rights can be exercised. The basis for bumping shall be quality of performance, length of service, any job-related factor, any affirmative action consideration, or any combination of these. Employees occupying positions designated for layoff may bump employees with lesser retention privileges, as determined by the division director, out of:

- positions of the same class;
- lower positions within the same class series;
- classes the employee previously occupied; or
- lower positions within the same class series as the employee previously occupied.

In the event a division director determines that bumping rights may be exercised, the following shall apply:

All class series within a division shall be identified and recommended by the division director and approved by the Executive Board.

Prior to initiation of any layoffs, the Executive Board shall establish pay policies for those employees invoking bumping rights.

Employees occupying positions designated for layoff shall be given a minimum of three work days to respond to bumping options.

Employees Eligible for Retirement. Employees eligible for retirement may defer payment of sick leave pursuant to sick leave payoff options upon retirement.

Reinstatement. Subject to Executive Board approval of reinstatement procedures, employees or former employees may be eligible for reinstatement to their previous class for 24 months after layoff.

Employees or former employees desiring to be reinstated shall, following notification of the availability of a position, notify the Chairperson of the Executive Board in writing of the acceptance or refusal of the position within five work days.

Senators or division directors may return reinstated employees at, or up to, their former salary if re-employed within 24 months. Reinstated employees may receive, at their Senator's or division director's discretion, any legislative increases granted during the period of absence. Employees reinstated after being laid off shall not be required to serve an original probationary period.

It is the responsibility of the employee or former employee to inform the Legislature of any change in address. Failure to receive notification of a position's availability because of an address change shall not cause the five-work day reply period to be lengthened.

Former employees who were laid off, or employees who transferred to another position in lieu of layoff, shall be reinstated in the reverse order from which they were laid off or transferred.

Qualified employees shall be given the opportunity to be reinstated to an available position in a lower class within the same series. Employees declining reinstatement to a position in a lower class within the same series shall be given the opportunity to be reinstated to a position of their previous class, if positions become available within the 12-month period.

Employees or former employees refusing a position of their previous class, or not acting to notify the Chairperson of the Executive Board of acceptance or refusal, forfeit any reinstatement rights.

Termination Due to Election Results, End of Term, Resignation of Senator, Death of Senator or Committee Reorganization.

Election Results. A notice of termination of employment shall be deemed to have been given: (1) at the time election results are certified by the State Canvassing Board showing the election defeat of an incumbent Senator; (2) the election of a Senator-elect in a district where a member has retired; or (3) upon the election of a member to another public office. In this case, actual termination shall be effective at 5:00 p.m. on the day prior to the first day of each regular session in odd-numbered years. If an employee secures legislative employment within 10 consecutive calendar days after that day, there shall be no break in employment. The employee shall receive an automatic leave of absence for any of those ten days he or she was not in legislative employment.

End of a Senator's Term. Termination shall be effective at 5:00 p.m. on the day prior to the first day of each regular session in odd-numbered years. If an employee secures legislative employment within ten consecutive calendar days after that day, there shall be no break in employment. The employee shall receive an automatic leave of absence for any of those 10 days he or she was not in legislative employment.

Resignation of Senator. A notice of termination of employment shall be deemed to have been given at the time notice of resignation by a Senator is sent to the Governor and a copy is provided to the Clerk of the Legislature's Office indicating a date certain as an effective date of resignation. An employee shall retain his or her current employment status for a two-week period following the effective date of resignation, unless the employee had notice pursuant to the end of term or election results provisions above.

Death of Senator. In the event of the death of a Senator, notice of termination of employment shall be deemed to have been given on the date of death. An employee shall retain his or her current employment status for an additional two-week period from that date.

Committee Reorganization. A notice of termination of employment for staff affected by committee reorganization shall be deemed to have been given at 5:00 p.m. on the first day of each regular session in odd-numbered years. An employee shall retain his or her current employment status for an additional two-week period from that date.

NOTE: During the two-week period referenced above, an employee may be expected to come in to work. If at any time within the two-week period an employee returns to legislative employment, the employee shall be hired at and receive the pay for the new position. Eligibility for wages in the previous position shall be terminated.

RETIREMENT BENEFITS FOR LEGISLATIVE EMPLOYEES

State Employees' Retirement Plan. Legislative Council employees participate in the State Employees' Retirement Plan (Plan). The Plan is administered by the Public Employees Retirement Board. Participation in the Plan is mandatory upon employment for all permanent, full-time employees who work one-half or more of the regularly scheduled hours during each pay period. Participation is voluntary for permanent, part-time employees who are age 20 or older.

Both mandatory and voluntary members are subject to all provisions of the Plan and cannot withdraw or cancel participation until ceasing employment.

Deferred Compensation Plan. Participation in the Deferred Compensation Plan is a voluntary investment plan, authorized by IRS Code 457, for any elected official or state employee employed on a permanent or temporary basis, full-time or part-time. The State of Nebraska Deferred Compensation Plan is designed to provide employees a supplementary retirement income.

As with other retirement plans, there are restrictions on withdrawals from a Deferred Compensation Plan. Therefore, participation should be considered a long-term investment program and not a short-term savings program.

Additional Information. Specific information regarding the State Employees' Retirement Plan or the Deferred Compensation Plan, including contribution amounts, vesting credit, military leave, payment options at termination/retirement, reemployment, account information, pre-retirement seminars, and publications are available by contacting the Nebraska Public Employees Retirement Systems 402-471-2053 or www.npers.ne.gov/home.jsp

SALARY CHANGES

Salary policy decisions are at the discretion of the Executive Board and contingent on funding. The Legislative Classification and Pay Plan components control over any contradictory provisions in this section.

Upward Changes (Other than Career Path Promotions). An employee placed in a higher salary grade is eligible for at least a 2% pay increase, unless the employee is eligible for up to 12% above the minimum hiring rate and if that is greater than current salary plus 2%. If the employee is eligible for a salary range, the range will be provided to the Senator or division director and actual salary authorized is at the discretion of the Senator or division director. At the end of the six-month probation period, an employee is eligible to receive a 4% probation increase. The exceptions are in the following cases:

The employee shall be paid at least the hiring rate of his or her new salary grade.

The employee placed in a higher salary grade cannot be paid above the maximum rate of his or her new salary grade as a result of the pay increase.

Upward Changes (for Career Path Promotions). An employee placed in a higher salary grade due to a career path promotion is eligible to receive a 2% pay increase. (This may or may not place an employee at the hiring rate of the new pay grade.) At the end of six months, an employee is eligible to receive an additional increase as follows: If the employee's current salary is below the midpoint salary for the appropriate salary grade, the employee may receive a 2% salary increase. If the employee's current salary is above the midpoint salary for the appropriate salary grade, the employee may receive a 1% salary increase.

Temporary Reassignment to a Higher Salary Grade. An employee temporarily promoted to a position to fill a vacancy, or to fill in for a leave period exceeding 60 consecutive calendar days, shall receive at least the hiring rate of the new salary grade. The salary increase can begin on the first day of reassignment, but shall begin no later than the 61st day following the temporary promotion. At the end of this temporary reassignment, the employee's salary must be reduced to the amount paid prior to the temporary promotion, except that any authorized increases and any general salary increases shall be added back into the employee's salary base.

Downward or Lateral Changes. An employee placed in the same or lower salary grade because of reclassification, involuntary transfer, or salary grade adjustment may have his or her salary reduced.

Disciplinary demotions require at least a 2% reduction in salary. The employee's salary may be reduced to the hiring rate, at the division director's discretion.

If the new salary is below the minimum permanent rate, the employee may be given a salary increase to the minimum permanent rate at any time in the following six months, but shall be paid at least the minimum permanent rate at the end of six months.

Pay Advancement Increase. If authorized by the Executive Board and contingent on funding, effective January 1st of each year, if an employee has one year of service in his or her current position, a permanent employee (non-temporary, non-probationary employee) may be eligible for a pay advancement. An employee at the maximum of his or her pay grade shall be eligible for a pay advancement only if the Executive Board agrees to (1) authorize the employee to go over the maximum amount or (2) increase the maximum level of pay.

Position Date Adjustment. Position date adjustment is the date an employee is assigned to his or her current position. If an employee returns to the Legislature within 10 years from other employment, and to the same classification, or to a position with a lower pay grade than the former classification,

the previous legislative experience can be considered in adjusting the position date. This date is used as the eligibility date for pay advancement increases.

ACCOUNTABILITY AND DISCLOSURE

The following are certain statutes pertinent to the Accountability and Disclosure Commission. Each of these have relevance to you as you begin your legislative term of office.

Section 49-1423

Gift, defined.

Gift shall mean a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is given therefor. Gift shall not include a campaign contribution otherwise reported as required by law, a commercially reasonable loan made in the ordinary course of business, a gift received from a relative, a breakfast, luncheon, dinner, or other refreshments consisting of food and beverage provided for immediate consumption, or the occasional provision of transportation within the State of Nebraska.

Section 49-1490

Principal or lobbyist; prohibited acts relating to gifts; penalty.

- (1) No principal, lobbyist, or person acting on behalf of either shall within one calendar month give any gifts with an aggregate value of more than fifty dollars to the following:
 - (a) An official or a member of the official's staff in the executive branch of state government;
 - (b) An official or a member of the official's staff in the legislative branch of state government; or
 - (c) A member of the immediate family of an official in the executive or legislative branch of state government.
- (2) No official or member of the official's

staff in the executive or legislative branch of state government or member of the official's immediate family shall within one calendar month accept from a principal, lobbyist, or person acting on behalf of either any gifts with an aggregate value of more than fifty dollars.

- (3) An admission to a state-owned facility or a state-sponsored industry or event may be given by any sponsoring agency, political subdivision, or publicly funded postsecondary educational institution and accepted regardless of value.
- (4) Any person who knowingly and intentionally violates this section shall be guilty of a Class III misdemeanor.

Section 49-1493

Individuals required to file a statement of financial interests.

The individuals listed in subdivisions (1) through (13) of this section shall file with the commission a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

- (1) An individual holding a state executive office as provided in Article IV of the Constitution of Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and heads of such other executive departments as set forth in the Constitution or as may be established by law;

- (2) An individual holding the office of Commissioner of Education, member of the State Board of Education, member of the Board of Regents of the University of Nebraska with the exception of student members, or member of the Coordinating Commission for Postsecondary Education;
- (3) A member of the Board of Parole;
- (4) A member of the Public Service Commission;
- (5) A member of the Legislature;
- (6) A member of the board of directors or an officer of a district organized under the provisions of Chapter 70;
- (7) A member of any board or commission of the state or any county which examines or licenses a business or which determines rates for or otherwise regulates a business;
- (8) A member of a land-use planning commission, zoning commission, or authority of the state or any county with a population of more than one hundred thousand inhabitants;
- (9) An elected official of a city of the primary or metropolitan class;
- (10) An elected county official;
- (11) A member of the Nebraska Environmental Trust Board;
- (12) An individual employed at the University of Nebraska-Lincoln in the position of Head Football Coach, Men's Basketball Coach, or Women's Basketball Coach; and
- (13) An official or employee of the state designated by rules and regulations of the commission who is responsible for taking or recommending official action of a non-ministerial nature with regard to:
 - (a) Contracting or procurement;
 - (b) Administering or monitoring grants or subsidies;
 - (c) Land-use planning or zoning;

- (d) Inspecting, licensing, regulating, or auditing any person; or
- (e) Any similar action.

Section 49-1496

Statement of financial interests; form; contents; enumerated.

- (1) The statement of financial interests filed pursuant to sections 49-1493 to 49-14,104 shall be on a form prescribed by the commission.
- (2) Individuals required to file under sections 49-1493 to 49-1495 shall file the following information for themselves:
 - (a) The name and address of and the nature of association with any business with which the individual was associated;
 - (b) The name and address of any entity in which a position of trustee was held;
 - (c) The name, address, and nature of business of a person or government body from whom any income in the value of one thousand dollars or more was received and the nature of the services rendered, except that the identification of patrons, customers, patients, or clients of such person from which employment income was received is not required;
 - (d) A description, but not the value, of the following, if the fair market value thereof exceeded one thousand dollars:
 - (i) The nature and location of all real property in the state, except the residence of the individual;
 - (ii) The depository of checking and savings accounts;
 - (iii) The issuer of stocks, bonds, and government securities; and
 - (iv) A description of all other property owned or held for the production of

- income, except property owned or used by a business with which the individual was associated;
- (e) The name and address of each creditor to whom the value of one thousand dollars or more was owed or guaranteed by the individual or a member of the individual's immediate family, except for the following:
- (i) Accounts payable;
 - (ii) Debts arising out of retail installment transactions;
 - (iii) Loans made by financial institutions in the ordinary course of business;
 - (iv) Loans from a relative; and
 - (v) Land contracts that have been properly recorded with the county clerk or the register of deeds;
- (f) The name, address, and occupation or nature of business of any person from whom a gift in the value of more than one hundred dollars was received, a description of the gift and the circumstances of the gift, and the monetary value category of the gift, based on a good faith estimate by the individual, reported in the following categories:
- (i) \$100.01 - \$200;
 - (ii) \$200.01 - \$500;
 - (iii) \$500.01 - \$1,000; and
 - (iv) \$1,000.01 or more; and
- (g) Such other information as the individual or the commission deems necessary, after notice and hearing, to carry out the purposes of the Nebraska Political Accountability and Disclosure Act.
- any decision in the discharge of his or her official duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:
- (a) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and if he or she will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate; and
 - (b) Deliver a copy of the statement to the commission and to the Speaker of the Legislature who shall cause the statement to be filed with the Clerk of the Legislature to be held as a matter of public record.
- (2) Nothing in this section shall prohibit any member of the Legislature from voting, deliberating, or taking other action on any matter that comes before the Legislature.
- (3) The member of the Legislature may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists. He or she may have the reasons for the abstention recorded in the Legislative Journal.

Section 49-1499

Legislature; discharge of official duties; potential conflict; actions required.

- (1) A member of the Legislature who would be required to take any action or make

Conflicts, Gifts and the Nebraska Political Accountability And Disclosure Act

The Nebraska Political Accountability and Disclosure Act (NPADA) applies to members of the Nebraska State Legislature. This synopsis is not an exhaustive examination of the possible applications of the NPADA to State Senators. Instead, it is intended to highlight certain areas in which questions commonly arise.

I THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION- See separate outline.

II CAMPAIGN STATEMENTS

- A. An annual campaign statement is due January 31 of each year until the year following your next run for the Legislature.
- B. Keep good records of contributions and expenditures.
- C. Keep us advised of changes to your committee address or committee treasurer. Failure to do so means that important bulletins or information may not be received by your committee on a timely basis.
- D. Remember: The candidate is personally liable for any late fees, civil penalties or interest assessed against his or her candidate committee.

A NOTE ABOUT THE CFLA: A State Senator who is up for election in 2010 should be aware that the primary election period began on January 1, 2009.

III USE OF CAMPAIGN FUNDS

A. Three General Rules

- 1. Campaign Funds are for Campaign Purposes.
- 2. Campaign Funds are not for Personal Use.
- 3. Campaign Funds are not for Use in Connection with Holding Public Office (with certain statutory exceptions).

B. PERMISSIBLE USES OF CAMPAIGN FUNDS (See Attachment A)

1. The necessary continued operation of the campaign office or offices of the candidate committee.
2. Social events primarily for the benefit of campaign workers and volunteers or constituents. (Examples: Election night party, lunches with constituents)
3. Obtaining public input and opinion (Examples: Holding a town hall meeting in your district, subscribing to newspapers which circulate in your district)
4. Repayment of campaign loans incurred prior to election day.
5. Newsletters and other communications of information, thanks, acknowledgments, or greeting, or for the purpose of political organization and planning.
6. Gifts of acknowledgment, including flowers and charitable contributions, except that gifts to any one natural person shall not exceed fifty dollars in any one calendar year.
7. Meals, lodging and travel by an officeholder related to his or her candidacy and for members of the immediate family of the office holder when involved in activities related to his or her candidacy.
8. Conference fees, meals, lodging, and travel by an officeholder and his or her staff when involved in activities related to the duties of his or her public office.
9. Payment for installation and use of telephone and telefax machines located in an officeholder's public office and used by the officeholder.
10. Investment as authorized in the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act for the State Investment Officer.
11. Expenditures (as defined by law) in connection with connection with one's candidacy.

C. IMPERMISSIBLE USES OF CAMPAIGN FUNDS (See Attachment A)

1. Clothes or medical or dental expenses of a candidate or the members of his or her immediate family.
2. Installment payments for an automobile owned by a candidate.
3. Mortgage or rental payments for a permanent residence of a candidate.
4. The satisfaction of personal debts, including installment payments on personal loans, except campaign loans subject to reporting on campaign statements.
5. Personal services, including the services of a lawyer or accountant, except campaign services subject to reporting on campaign statements.
6. Office supplies, staff, or furnishings for the public office.

IV STATEMENTS OF FINANCIAL INTERESTS

- A. File on or before April 1st of each year and within 30 days after leaving office. It should be filed with the Commission. Except at the time that you are filing for reelection, a copy does not need to be filed with the county election commissioner or county clerk in the county of residence.
- B. A Statement of Financial Interests, like a tax return, always covers the prior calendar year. EXAMPLE: The Statement due on April 1, 2007 covers calendar year 2006.
- C. Be Accurate. The press and public look at these.

TIP: Be sure to list your legislative salary as a source of income of more than \$1,000.

- D. Gifts- the Statement must include a description of any gift with a value of more than \$100 received by the State Senator other than from a relative. The name, address and other information about the donor must be reported. The gift must be categorized based upon a good faith estimate of its value. The value categories are:
 1. \$100.01 to \$200

2. \$200.01 to \$500
3. \$500.01 to \$1,000
4. \$1,000.01 or more

TIP: Remember to list all gifts with a value of more than \$100 (other than from a relative) even if the gift has no connection to being a State Senator.

V CONFLICTS OF INTEREST

- A. Definition of Potential Conflict of Interest- A public official or public employee has a potential conflict of interest if he or she is faced with taking an official action or making an official decision which could result in a financial benefit or detriment to 1) the public official or employee; 2) a member of his or her immediate family; or 3) a business with which he or she is associated.
- B. Definition of immediate family- a child residing in an individual's household, a spouse of an individual, or an individual claimed by the individual or the individual's spouse as a dependent for federal income tax purposes.
- C. Definition of business- Any corporation, partnership, limited liability company, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust, activity, or entity. NOTE: This definition does not distinguish between for profit and non-profit entities.
- D. Definition of business association- A business 1) in which the individual is a partner, limited liability company member, director, or officer, or 2) in which the individual or member of the individual's immediate family is a stockholder of closed corporate stock worth \$1,000 or more at fair market value or which represents more than a 5% equity interest or is a stockholder of publicly traded stock with a value of \$10,000 or more at fair market value or represents a 10% equity interest.
- E. What to do if I have a conflict of interest
 1. Prepare a written statement describing the conflict of interest (you may use NADC Form C-2, copy attached). A State Senator is not required to abstain from voting, but if you do not intend to abstain, you must state the reason.
 2. File a copy with the NADC and the Speaker of the Legislature.

VI GIFT RESTRICTIONS

A. Gifts from Lobbyists, Principals, or anyone acting on behalf of either:

1. A State Senator may not accept within a calendar month gifts with an aggregate value of more than \$50 from any lobbyist, any principal or anyone acting on behalf of either. This restriction also applies to the acceptance of gifts by the Senator's legislative staff and members of the Senator's immediate family.
2. Exceptions to the gift restrictions. The following are not considered gifts and their value is not counted against the \$50 monthly limit:
 - a) Campaign contributions reported as required by law.
 - b) A gift from a relative.
 - c) Food and drink for immediate consumption.
 - d) A commercially reasonable loan made in the usual course of business.
 - e) Occasional transportation around the State of Nebraska.

B. Gifts from others who are not Lobbyists, Principals, or someone acting on behalf of either are not subject to the \$50 per month gift limit.

C. Regardless of value, a State Senator may not accept a gift of travel or lodging or reimbursement for travel or lodging if the purpose of the gift is to allow a member of the State Senator's immediate family to accompany him or her in the performance of official duties.

D. Regardless of value, a member of the immediate family of a State Senator may not accept a gift of travel or lodging or reimbursement for travel or lodging if the purpose of the gift is to allow the member of the immediate family to accompany the State Senator in the performance of official duties.

E. Gifts of Admissions

1. An admission to a state-owned facility or a state-sponsored industry or event of a value of more than \$50 may not be given to a State Senator by a lobbyist, principal, or anyone acting on behalf of either.

2. An agency, political subdivision, or publicly funded postsecondary educational institution, regardless of whether it is a principal or a lobbyist, may give an admission to a state owned facility or state sponsored industry or event even if the value is more than \$50.
- F. No gift may be offered, given, solicited or accepted based upon an understanding that the State Senator's official action or vote would be influenced thereby. This restriction applies to the State Senator, a member of the Senator's immediate family and a business with which the Senator is associated.
- G. Gifts with a value of more than \$100 must be reported on the annual Statement of Financial Interests.

VII GIFT SCENARIOS

- A. State Senator Michaels is offered season football tickets to UNL football games by Lobbyist James Smith who represents the Nebraska Association of Gravel Road Builders (a principal). Michaels cannot accept the gift because it is a gift with a value of more than \$50 offered by a lobbyist. The gift does not fall within any of the gift exceptions. If the Association were to offer the gift, Michaels would still be unable to legally accept the gift for the same reason.
- B. State Senator Michaels is offered season football tickets to the UNL football games by the University of Nebraska. The University is a principal. Michaels can accept the gift even though it has a value of more than \$50 and is offered by a principal. This acceptance is specifically permitted by statute. See VI(E)(2) above. Senator Michaels must report this as a gift on his annual Statement of Financial Interests. The University will be filing a report of the gift. The report will disclose Senator Michaels' name and the value of the gift.
- C. State Senator Michaels is offered season football tickets to the UNL football games by the University of Nebraska. Senator Michaels declines to accept the tickets as gifts, but pays for them from campaign funds. This is permissible as long as the tickets are not used by Senator Michaels personally. They may be given as gifts as long as no individual receives more than \$50 in a calendar year. They may be donated to charities. The purchase of the tickets should be reported on the appropriate campaign statement.
- D. The Nebraska Association of Gravel Road Builders invites State Senator Kimball to view some of its new equipment in action. She accepts the invitation. The association arranges for a private plane to fly her from Lincoln to North Platte. From North Platte she is taken by

car to Paxton where she is provided with lunch. In rural Keith County she is given a demonstration of the new equipment and driven back to North Platte. After a dinner in North Platte with the Board of Directors of the Association, she is flown back to Lincoln. This is permissible because it is occasional travel within the State of Nebraska and food and drink for immediate consumption. Both are exceptions to the gift law.

TIP: If you receive a gift that you don't want to accept, return it promptly. If the gift is not a "thing", but a benefit or privilege, consider sending a letter to the donor thanking him or her for the offer, but specifically declining the gift. This may be useful if you wish to decline the offer of a movie pass or honorary membership in a club. If questions arise as to why you did not report your club membership as a gift, you have a letter showing that you specifically declined the gift.

VIII USE OF PUBLIC RESOURCES

- A. No public official or public employee shall use his or her public office or confidential information received through the holding of public office for personal financial gain, other than compensation provided by law, for himself or herself, an immediate family member, or a business with which he or she is associated.
- B. No public official or public employee shall use personnel, resources, property, or funds under his or her official control except in accordance with law or use such items, other than compensation provided by law, for personal financial gain.
- C. The No public official or public employee shall use or authorize the use of public resources including personnel for the purpose of supporting or opposing the nomination or election of a candidate or the qualification, passage or defeat of a ballot question. See Attachment B which includes the text of the prohibition and the exceptions.
 - 1. Practical Application-The equipment in a government office should not be used in connection with a campaign. Certain exceptions apply to State Senators.
 - 2. Practical Application-Legislative staffers should not be permitted or required to engage in campaign activity at times when they should be engaged in the duties of their public positions. A legislative staffer may engage in certain activity at the direction of or supervision of a member of the Legislature.

IX LATE FILING FEES AND CIVIL PENALTIES

- A. Failure to timely file campaign statements results in late fees of \$25 per day, not to exceed \$750 per statement. Failure to file other types of campaign reports (such as reports of late contributions) on time may result in higher late fees.
- B. Any violation of the Nebraska Political Accountability and Disclosure Act may result in a penalty of up to \$2,000 per violation.
- C. Violation of the gift provisions of the NPADA is a class III misdemeanor.

X COMMISSION POLICY

It is the policy of the Nebraska Accountability and Disclosure Commission to promote voluntary compliance with the NPADA. Anyone subject to the act should always feel free to contact the Commission if he or she has questions about his or her responsibilities under the NPADA.

Nebraska Accountability and Disclosure Commission
11th Floor State Capitol
P.O. Box 95086
Lincoln, NE 68509
402-471-2522

<http://nadc.nol.org>

11/15/06

ATTACHMENT A

USE OF CAMPAIGN FUNDS

Permissible Uses

Under the NPADA, a candidate committee must use its funds for goods, services and facilities in assistance of the candidate's nomination or election. In addition, the NPADA provides that certain specific uses of committee funds are permissible while other specific uses are prohibited.

Expenditures may be made after the election for:

- (a) the necessary continued operation of the campaign office or offices of the candidate committee;
 - (b) social events primarily for the benefit of campaign workers and volunteers or constituents;
 - (c) obtaining public input and opinion;
 - (d) repayment of campaign loans incurred prior to election day;
 - (e) newsletters and other communications of information, thanks, acknowledgments, or greetings, or for the purpose of political organization and planning;
 - (f) gifts of acknowledgment, including flowers and charitable contributions, except that gifts to any one natural person shall not exceed fifty dollars in any one calendar year;
 - (g) meals, lodging, and travel by an officeholder related to his or her candidacy and for members of the immediate family of the officeholder when involved in activities related to his or her candidacy; and
 - (h) conference fees, meals, lodging, and travel by an officeholder and his or her staff when involved in activities related to the duties of his or her public office.
- (See §49-1446.03, Nebraska Revised Statutes.)

Expenditures may also be made for the payment of installation and use of telephone and telefax machines in the officeholder's public office for use by the officeholder. (See §49-1446.01, Nebraska Revised Statutes.)

Campaign expenses must be distinguished from a candidate's other expenses such as personal or officeholding expenses. For example, a car leased primarily by the campaign may be occasionally used for other business. Under such circumstances, accurate records of the use of the vehicle must be kept and the campaign committee must be reimbursed for the value of the non-campaign use. Similarly, a camera may be purchased with campaign funds for use in the candidate's campaign. The occasional use of the camera for non-campaign purposes is permitted. However, the cost of the film and developing must be paid from private funds.

Expenses unrelated to the campaign are either personal or officeholding expenses and may not be charged to the campaign, except for certain items described below. For example, membership fees in a professional organization such as a bar association or a medical association are considered personal expenses and may not be paid with campaign funds. However, dues for membership fees or a service organization's fees may be paid from campaign funds if the organization is not one the candidate would normally join, but has done so to enhance his/her campaign.

Campaign funds may be used after an election on behalf of the officeholder for certain types of expenses. (See also §§49-1419, 49-1446.01, 49-1446.02, and 49-1446.03 Nebraska Revised Statutes.) For example, campaign funds may be used to obtain public input and opinion. Thus, campaign funds may be used to commission a public opinion survey for an officeholder. Similarly, campaign funds may be used to pay for subscriptions to newspapers published or circulated in the officeholder's district if the purpose is to obtain public opinion. Campaign funds may also be used to pay expenses for conference fees, meals, lodging and travel by an officeholder and his or her staff when involved in activities related to the duties of his or her office.

Campaign funds may also be expended for expenses such as the following:

- Babysitters when it is necessary that both the candidate and his/her spouse attend a campaign event. This type of expenditure is not permitted for an event relating to the duties of the officeholder.
- Cameras if used for campaign purposes. Any expense relating to personal use may not be paid with campaign funds. (See Advisory Opinion #105.)
- Cellular phones and car phones used primarily for campaign purposes or for communicating with constituents. Detailed records documenting amounts paid from campaign funds are required. All costs associated with personal or other private use must be reimbursed to the campaign.
- Christmas and other greeting cards.
- Donations or gifts to charitable organizations. (See Advisory Opinion #118 which permits gifts to a school 4-H project.)
- Football tickets to be given as gifts, provided that no one individual receives gifts totaling a value of more than \$50 in any calendar year.
- Gifts of acknowledgment to individuals, including flowers, so long as no individual is given gifts totaling a value of more than \$50 in any calendar year.

- Lease of a vehicle for campaign purposes. If the vehicle is also used for non-campaign purposes, the prorated portion of such cost must be reimbursed to the committee. (See Advisory Opinion #85.)
- Membership fees to join service organizations (but not professional organizations) for the purpose of furthering one's candidacy. (See Advisory Opinion #88.)
- Newsletters to constituents.
- Office equipment such as typewriters or computers for use in the campaign or for soliciting public input and opinion, as long as the equipment is not located in the governmental office of the candidate and not used in connection with fulfilling the duties of public office. (See Advisory Opinion #60.)
- Public opinion polls. (See Advisory Opinion #80.)
- Registration or attendance fees for conferences related to the holding of public office.
- Social events primarily for the benefit of campaign workers, volunteers and constituents.
- Subscriptions to newspapers published or circulated within the officeholder's district. (See Advisory Opinion #86.)
- Telephone and telefax machines in an officeholder's public office for use by the officeholder.
- Travel expenses of the candidate and his or her immediate family members to attend a national political party convention.
- Travel expenses of an officeholder or his or her staff if related to the duties of the officeholder. This includes reasonable and necessary expenses of travel calculated to make the officeholder more effective, more knowledgeable or better able to fulfill his or her duties. (See Advisory Opinion #133.)

Impermissible Uses

Campaign funds may **NOT** be expended for personal expenses, including expenses such as the following:

- Clothes for the candidate or his or her immediate family, including the rental of tuxedos, evening gowns or costumes. Certain items of clothing, such as campaign T-shirts or hats, may be purchased for fundraising purposes or for campaign advertising.

- Contributions to the committee of another candidate, except for the purchase of tickets to a fundraising event of another candidate.
- Contributions to candidates for federal office. Exceptions may be made for the purchase of tickets to a fundraising event where it can be shown that the candidacy of the state or local candidate will receive a direct benefit through presence at the event.
- Contributions to political party committees, except for the purchase of tickets to a fundraising event or in cases where the candidate receives a direct benefit or service as a result of the contribution.
- Installment payments for an automobile or other vehicle.
- Medical or dental expenses for the candidate or his or her immediate family.
- Mortgage or rental payments for the candidate's residence or temporary residence. (See Advisory Opinion #55.)
- Office supplies, staff, or furnishings for the governmental office of the candidate, including such items as typewriters, computers, microwaves, bookshelves, coffee makers, televisions, cable hookups or access fees.
- Personal debts, including installment payments on personal loans (except campaign loans).
- Personal expenses, such as eyeglasses or contact lenses, or hair styling.
- Personal services, including those of lawyers and accountants, except for services rendered to the campaign subject to reporting pursuant to §49-1455, Nebraska Revised Statutes.
- Travel expenses by a spouse or immediate family member of an officeholder for activities related to the duties of the officeholder.

All expenses paid from campaign funds must be supported by detailed records, including invoices or receipts. Expenses paid for travel may only include reasonable and necessary expenses for meals, lodging and travel that have not otherwise been reimbursed or paid by others. Records relating to the payment of travel expenses must include the date, destination and purpose of the travel as well as a description of the method for calculating reimbursement.

CFLA NOTE: Public funds received pursuant to the provisions of the CFLA may be used only for purposes specifically authorized in the CFLA.

ATTACHMENT B

Section 49-14,101.02

Public official or public employee; use of public resources or funds; prohibited acts; exceptions.

(1) For purposes of this section, public resources means personnel, property, resources, or funds under the official care and control of a public official or public employee.

(2) Except as otherwise provided in this section, a public official or public employee shall not use or authorize the use of public resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.

(3) This section does not prohibit a public official or public employee from making government facilities available to a person for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is not a factor in making the government facility available or a factor in determining the cost or conditions of use.

(4) This section does not prohibit a governing body from discussing and voting upon a resolution supporting or opposing a ballot question or a public corporation organized under Chapter 70 from otherwise supporting or opposing a ballot question concerning the sale or purchase of its assets.

(5) This section does not prohibit a public official from responding to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or from providing information in response to a request for information.

(6) This section does not prohibit a member of the Legislature from making use of public resources in expressing his or her opinion regarding a candidate or a ballot question or from communicating that opinion. A member is not authorized by this section to utilize mass mailings or other mass communications at public expense for the purpose of campaigning for or against the nomination or election of a candidate. A member is not authorized by this section to utilize mass mailings at public expense for the purpose of qualifying, supporting, or opposing a ballot question.

(7) Nothing in this section prohibits a public official from campaigning for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no public resources are used.

(8) Nothing in this section prohibits a public employee from campaigning for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no public resources are used. Except as otherwise provided in this section, a public employee shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on government work time or when otherwise engaged in his or her official duties.

(9) This section does not prohibit an employee of the Legislature from using public resources consistent with this section for the purpose of researching or campaigning for or against the qualification, passage, or defeat of a ballot question if the employee is under the direction and supervision of a member of the Legislature.

**Legislative Staff Members
And the Nebraska Political Accountability
And Disclosure Act**

The Nebraska Political Accountability and Disclosure Act (NPADA) applies to members of the Nebraska State Legislature and to their staff members. This synopsis is not an exhaustive examination of the possible applications of the NPADA to Legislative Staff Members. Instead, it is intended to highlight certain areas in which questions commonly arise.

I DEFINITIONS

- A. Definition of immediate family- a child residing in an individual's household, a spouse of an individual, or an individual claimed by the individual or the individual's spouse as a dependent for federal income tax purposes.
- B. Definition of business- Any corporation, partnership, limited liability company, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust, activity, or entity. NOTE: This definition does not distinguish between for profit and non-profit entities.
- C. Definition of business association- A business 1) in which the individual is a partner, limited liability company member, director, or officer, or 2) in which the individual or member of the individual's immediate family is a stockholder of closed corporate stock worth \$1,000 or more at fair market value or which represents more than a 5% equity interest or is a stockholder of publicly traded stock with a value of \$10,000 or more at fair market value or represents a 10% equity interest.

II GIFT RESTRICTIONS

- A. Gifts from Lobbyists, Principals, or anyone acting on behalf of either:
 - 1. A Legislative Staff Member may not accept within a calendar month gifts with an aggregate value of more than \$50 from any lobbyist, any principal or anyone acting on behalf of either. (This restriction also applies to the acceptance of gifts by a Senator and members of the Senator's immediate family.)
 - 2. Exceptions to the gift restrictions. The following are not considered gifts and their value is not counted against the \$50 monthly limit:
 - a) Campaign contributions reported as required by law.

- b) A gift from a relative.
 - c) Food and drink for immediate consumption.
 - d) A commercially reasonable loan made in the usual course of business.
 - e) Occasional transportation around the State of Nebraska.
- B. Gifts from others who are not Lobbyists, Principals, or someone acting on behalf of either are not subject to the \$50 per month gift limit.
- C. Gifts of Admissions
- 1. An admission to a state-owned facility or a state-sponsored industry or event of a value of more than \$50 may not be given to a Legislative Staff Member by a lobbyist, principal, or anyone acting on behalf of either.
 - 2. An agency, political subdivision, or publicly funded postsecondary educational institution, regardless of whether it is a principal or a lobbyist, may give an admission to a state owned facility or state sponsored industry or event to a Legislative Staff Member even if the value is more than \$50.
- D. No gift may be offered, given, solicited or accepted based upon an understanding that a Legislative Staff Member's official action would be influenced thereby. This restriction also applies to a member of the Legislative Staff Member's immediate family and a business with which the Legislative Staff Member is associated.
- E. Legislative Personnel Policy- Legislative employees shall not accept gifts of value or loans from persons doing business with the Legislature which are intended to or which appear to influence the official relationship between the donor and recipient.

III GIFT SCENARIOS

- A. Michaels is a member of the staff of Senator Kimball. Michaels is offered two football tickets to a UNL football game by Lobbyist James Smith who represents the Nebraska Association of Gravel Road Builders (a principal). Each football ticket has a face value of \$52. Michaels cannot accept the gift because it is a gift with a value of more than \$50 offered by a lobbyist. The gift does not fall within any of the gift exceptions.

- B. Michaels is offered two football tickets to a UNL football game by the University of Nebraska. Each is worth \$52. Michaels may accept the tickets because the tickets are from UNL, a publicly funded postsecondary educational institution. This is a gift of admissions which is an exception to the \$50 gift limitation.
- C. The Nebraska Association of Gravel Road Builders invites State Senator Kimball and her Legislative Aid Michaels to view some of its new equipment in action. She and Michaels accept the invitation. The association arranges for a private plane to fly them from Lincoln to North Platte. From North Platte they are taken by car to Paxton where they are provided with lunch. In rural Keith County they are given a demonstration of the new equipment and driven back to North Platte. After a dinner in North Platte with the Board of Directors of the Association, they are flown back to Lincoln. This is permissible because it is occasional travel within the State of Nebraska and food and drink for immediate consumption. Both are exceptions to the gift law.

TIP: If you receive a gift that you don't want to accept, return it promptly. If the gift is not a "thing", but a benefit or privilege, consider sending a letter to the donor thanking him or her for the offer, but specifically declining the gift.

IV USE OF PUBLIC OFFICE OR RESOURCES

- A. No public official or public employee shall use his or her public office or confidential information received through the holding of public office for personal financial gain, other than compensation provided by law, for himself or herself, an immediate family member, or a business with which he or she is associated.
 - 1) Legislative Personnel Policy- A legislative employee is prohibited from using or attempting to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
 - 2) Legislative Personnel Policy- A legislative employee shall not give the impression that any person can improperly influence them in the performance of their official duties, or that they are improperly affected by the kinship, rank, position or influence of any party or person.
- B. No public official or public employee shall use personnel, resources, property, or funds under his or her official control except in accordance with law or use such items, other than compensation provided by law, for personal financial gain.

C. No public official or public employee shall use or authorize the use of public resources including personnel for the purpose of supporting or opposing the nomination or election of a candidate or the qualification, passage or defeat of a ballot question. See Attachment A which includes the text of the prohibition and the exceptions.

1. Practical Application-The equipment in a government office should not be used in connection with a campaign. Certain exceptions apply to State Senators.
2. Practical Application-Legislative staffers should not be permitted or required to engage in campaign activity at times when they should be engaged in the duties of their public positions. A legislative staffer may engage in certain activity at the direction of or supervision of a member of the Legislature.
3. Other-Legislative staffers have the right to engage in the political activity of their choice as long as they do not use state resources including state time.
4. Legislative Personnel Policy- Enumerates permissible political activity by Legislative employees. See Attachment B.

V CIVIL AND CRIMINAL PENALTIES

- A. Any violation of the Nebraska Political Accountability and Disclosure Act may result in a penalty of up to \$2,000 per violation.
- B. Violation of the gift provisions of the NPADA is a class III misdemeanor.

VI COMMISSION POLICY

It is the policy of the Nebraska Accountability and Disclosure Commission to promote voluntary compliance with the NPADA. Anyone subject to the act should always feel free to contact the Commission if he or she has questions about his or her responsibilities under the NPADA.

Nebraska Accountability and Disclosure Commission
11th Floor State Capitol
P.O. Box 95086
Lincoln, NE 68509
402-471-2522
<http://nadc.nol.org>

11/7/07

ATTACHMENT A

49-14,101.02. Public official or public employee; use of public resources or funds; prohibited acts; exceptions. (1) For purposes of this section, public resources means personnel, property, resources, or funds under the official care and control of a public official or public employee.

(2) Except as otherwise provided in this section, a public official or public employee shall not use or authorize the use of public resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.

(3) This section does not prohibit a public official or public employee from making government facilities available to a person for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is not a factor in making the government facility available or a factor in determining the cost or conditions of use.

(4) This section does not prohibit a governing body from discussing and voting upon a resolution supporting or opposing a ballot question or a public corporation organized under Chapter 70 from otherwise supporting or opposing a ballot question concerning the sale or purchase of its assets.

(5) This section does not prohibit a public official from responding to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or from providing information in response to a request for information.

(6) This section does not prohibit a member of the Legislature from making use of public resources in expressing his or her opinion regarding a candidate or a ballot question or from communicating that opinion. A member is not authorized by this section to utilize mass mailings or other mass communications at public expense for the purpose of campaigning for or against the nomination or election of a candidate. A member is not authorized by this section to utilize mass mailings at public expense for the purpose of qualifying, supporting, or opposing a ballot question.

(7) Nothing in this section prohibits a public official from campaigning for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no public resources are used.

(8) Nothing in this section prohibits a public employee from campaigning for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no public resources are used. Except as otherwise provided in this section, a public employee shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on government work time or when otherwise engaged in his or her official duties.

(9) This section does not prohibit an employee of the Legislature from using public resources consistent with this section for the purpose of researching or campaigning for or against the qualification, passage, or defeat of a ballot question if the employee is under the direction and supervision of a member of the Legislature.

ATTACHMENT B

PERSONNEL POLICIES FOR LEGISLATIVE EMPLOYEES (Revised September 22, 2000) (Excerpt)

Political Activities. Employees may:

File for elective office while continuing to work for the Legislature.

Be a candidate for a partisan or non-partisan office and subsequently hold such office, if elected and if proper arrangements are made with the Chairperson of the Executive Board.

Attend political conventions and participate in proceedings of the conventions.

Be candidates for or serve as delegates, alternates, or proxies for political conventions.

Engage in volunteer work for a partisan or non-partisan candidate.

Serve on committees that organize or direct activities at a partisan or non-partisan campaign meeting or rally.

Originate, circulate, and/or sign petitions for candidates in a partisan or non-partisan election, as long as it is not during the employees work hours.

Serve at the polls as election officials, clerks, checkers, watchers, or challengers for any candidate.

Make financial contributions to a political party or candidate.

Employees are prohibited from participation in any political activities during office hours or while otherwise engaged in the performance of official duties as employees of the Legislature. Any person violation this section shall be subject to disciplinary action under the rules and regulations as outlined on pages 12-16 inclusive of this policy. Furthermore, such disciplinary action may include demotion, dismissal, reduction of salary, or suspension.

If employees want to take part in permitted political activities during what would be their normal work hours, they must make arrangements with their supervisor to use vacation leave, compensatory time, or leave of absence. This includes campaign activities and serving in public office after election. The Executive Board has final authority on whether an employee elected to public office may continue employment with the state while holding office.

ATTORNEY GENERAL OPINIONS

A 1985 letter from Attorney General Robert Spire specifies when attorney general opinions will be issued to state legislators.

That letter, which appears in this section of your notebook, stipulates that it is the attorney general's policy to issue opinions to state legislators that concern only pending or proposed legislation. It also states that the Attorney General's Office will not respond to opinion requests on the constitutionality of existing statutes.

For more information on this policy, refer to the letter.

In addition, the Clerk's Office has on file other attorney general opinions that concern the interpretation of constitutional issues.

For example, there are a number of attorney general opinions interpreting constitutional provisions concerning the Legislature and the legislative process. Please see the clerk or assistant clerk for more information on these opinions.

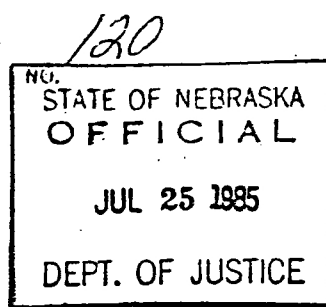
DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509

July 25, 1985

ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General



RECEIVED

JUL 25 1985

Room 4118

CLERK OF THE LEGISLATURE

Senator John W. DeCamp
State Capitol
Room 1116
Lincoln, NE 68509

Dear Senator DeCamp:

You have requested our opinion concerning whether the provisions of the Public Meetings Law, Neb.Rev.Stat. §§84-1408 to 84-1414 (Reissue 1981 and Supp. 1984), are applicable to the Legislature.

As you state in your letter, the original version of the Public Meetings Law provided an express exclusion from its application to both the Legislature and its committees. Neb.Rev.Stat. §84-1401 (Reissue 1971) (Repealed 1975). The original public meetings statutes were repealed in 1975, with the passage of LB 325. The definition of "public body" in the current version of §84-1409(1) does not contain any express exclusion for the Legislature.

In an opinion issued by our office following the passage of LB 325 in 1975, we concluded the provisions of the Public Meetings Law were applicable to the Legislature and its committees. Report of Attorney General 1975-76, Opinion No. 118, August 29, 1975, p. 157. Upon reconsideration, we believe the conclusion reached in our earlier opinion was incorrect.

Neb.Rev.Stat. §84-1408 (Reissue 1981) provides, in part:

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of the State of Nebraska, federal statutes, and sections 79-327, 84-1408 to 84-1414, and 85-104. (Emphasis added).

Article III, Section 11 of the Nebraska Constitution provides, in pertinent part, that:

L. Jay Bartel
John M. Boehm
Dale D. Brodkey
J. Kirk Brown
Martel J. Bundy
Dale A. Comer

Timothy E. Davis
Lynne R. Fritz
Ruth Anne E. Gatter
Jill Gradwohl
Calvin D. Hansen
Royce N. Harper

Marilyn B. Hutchinson
Mel Kammerdorn
Sharon M. Linogren
Charles E. Lowe
Harold I. Mosher
Patrick T. O'Brien

Bernard L. Packett
Terry R. Schaaf
LeRoy W. Sievers
Mark D. Starr
John R. Thompson
Linda L. Willard

. . . The doors of the Legislature and of the Committees of the Whole, shall be open, unless when the business shall be such as ought to be kept secret.

Our earlier opinion concluded the Nebraska Constitution did not contain any provisions contrary to or in conflict with the Public Meetings Law, and, therefore, the Constitution did not provide "otherwise" to except the Legislature from the application of the statutory public meetings requirements. Upon reflection, however, we believe the phrase "except as otherwise provided by the Constitution of the State of Nebraska" in §84-1408 is ambiguous, and susceptible to a different interpretation. In particular, it is possible the Legislature intended this phrase to mean that, as the Nebraska Constitution did provide a requirement of open access to meetings of the Legislature, the provisions of the Public Meetings Law were therefore not intended to apply to the Legislature.

"When the language used in a statute is ambiguous and must be construed, recourse should be had to the legislative history for the purpose of discovering the intent of the lawmakers." North Star Lodge #227 v. City of Lincoln, 212 Neb. 236, 240, 322 N.W.2d 419, 422 (1982). In Norden Laboratories, Inc. v. County Board of Equalization, 189 Neb. 437, 439, 203 N.W.2d 152, 154 (1973), the Nebraska Supreme Court stated: "In the Legislature the record of a floor explanation or debate is legislative history, and it may be an extrinsic, secondary source in statutory interpretation."

A review of the legislative history surrounding the passage of LB 325 in 1975 discloses a legislative intent to exclude the Legislature from the application of the Public Meetings Law. During the floor debate on LB 325, the specific question of the applicability of the bill to the Legislature was addressed by the bill's introducer, Senator Gary Anderson, who stated:

. . . [t]here is a specific recognition of the Legislature's right to open or close its meetings in the Constitution. . . . [I]n the opening section 1 of the act, it recognizes the Constitution and the Constitution prevails in this case. This particular act does not apply to the Legislature because the Constitution overrides. . . . LB 325 (1975), Transcript of Floor Debate, May 14, 1975, p. 4611.

This statement by the introducer of LB 325 clearly indicates that, based on the constitutional provision for public access to meetings of the Legislature, the Legislature intended to phrase "except as otherwise provided by the Constitution" to render the

Senator John W. DeCamp
July 25, 1985
Page -3-

provisions of the Public Meetings Law inapplicable to the Legislature.

Based on the foregoing, it is our opinion that the Legislature is not subject to the requirements of the Public Meetings Law.

Very truly yours,

ROBERT M. SPIRE
Attorney General

L. Jay Bartel
Assistant Attorney General

LJB/bae

cc: ✓ Patrick J. O'Donnell
" Clerk of the Legislature

DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509

December 20, 1985

ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General

Senator Chris Beutler, Chairman
Legislative Executive Board
State Capitol, Room 2108
Lincoln, Nebraska 68509

RECEIVED

DEC 24 1985

Dear Senator Beutler:

HUMAN 4410
CLERK OF THE LEGISLATURE

The purpose of this letter is to clarify the policies of the Attorney General regarding the issuance of opinions to members of the Legislature. It is the intent of this letter both to correct any misunderstandings which may presently exist in this regard, and to provide some recommendations and suggestions which will facilitate our response to any future requests.

Neb.Rev.Stat. §84-205(3) (Reissue 1981) provides that one of the duties of the Attorney General shall be "To give, when required, without fee, his opinion in writing upon all questions of law submitted to him by . . . the Legislature." The general duty of the Attorney General to issue such opinions has been interpreted by the court to mean that state officers are entitled to advice upon questions of law which arise "in the discharge of their duties." Fullmer v. State, 94 Neb. 217, 142 N.W. 908 (1913). This office has likewise historically viewed its responsibility to issue opinions in this same light.

In the case of requests from members of the Legislature, we have limited the issuance of such opinions for "valid legislative purposes" only. The Legislature's purpose is, of course, to make, alter or repeal laws. See, Nebraska Public Power District v. City of York, 212 Neb. 747, 326 N.W.2d 22 (1982). It is the function of the executive branch to apply and enforce those laws, and the judicial branch to interpret those laws. Consequently, it has been and continues to be the policy of the Attorney General that we issue legal opinions to state legislators which pertain only to pending or proposed legislation. In this regard it is also our policy to decline opinion requests from legislators concerning the constitutionality, or seeking interpretations, of existing statutes. The rationale for this policy will be explained more fully below.

There are two exceptions to this policy. The first exception is where the interpretation of an existing statute is directly related to the proposed or pending legislation, or in turn where the proposed legislation is dependent upon such an

L Jay Barte
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Bernard L. Packett

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LeRoy W. Severs
Mark D. Starr
John R. Thompson
Linda L. Willard

interpretation. The second exception is where the requested interpretation pertains directly to the performance of some function or duty by the Legislature itself.

Likewise, we will not issue legal opinions for the personal use or benefit of state legislators, their constituents, or any private individual, group or other entity. Inasmuch as we are the attorneys representing the State of Nebraska, we do not issue private legal opinions. It would thus be inappropriate for us to do so merely because such a request has been channeled through a state legislator.

The reasons for our policy limiting opinions to legislators on matters pertaining to proposed or pending legislation, and in turn declining such requests for opinions concerning existing statutes, are really twofold. The first principle involves the concept of the separation of powers set forth in our Constitution, Article II, Section 1, which states simply that:

The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

As we have indicated, it is the function of the Legislature to enact legislation, and not to interpret or enforce existing statutory provisions. Consequently, it would serve no valid legislative purpose to issue an opinion to a legislator concerning the interpretation and enforcement of a particular statute, when the Legislature has no authority in this regard. This responsibility is the function of the executive branch of the government and under our separation of powers doctrine it is essential that no one branch encroach upon the powers reserved to another. See, State ex rel. Beck v. Young, 154 Neb. 588, 48 N.W.2d 677 (1951).

Likewise, it would be inappropriate and serve no valid legislative purpose to comment to a legislator upon a particular interpretation of an existing law adopted and applied by the executive branch of government. We will, of course, issue opinions concerning the interpretation of existing statutory law to the appropriate arm of the executive branch of government charged with enforcing that law, as such agencies or officers are also entitled to opinions which are necessary to enable them to discharge their particular duties under the Constitution. Thus, unless an interpretation of existing statutory law pertains directly to proposed or pending legislation, such an opinion

Senator Chris Beutler, Chairman
December 20, 1985
Page -3-

would serve no valid legislative purpose, and any such requests by legislators will accordingly be declined.

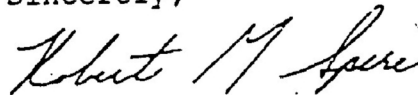
The second reason for declining opinion requests from legislators concerning existing statutes, and particularly requests as to their constitutionality, is more practical. This office is required by law to defend existing statutes, or any interpretation and application of these statutes adopted by the executive branch of government, if challenged in a court of law. Consequently, we are not in a position to issue opinions on the constitutionality of existing statutes, or the validity of a particular executive interpretation, absent some unique circumstance, such as a court decision calling into question that very issue.

As indicated, we also wish to provide some suggestions in order to expedite our responses to your opinion requests. Such requests should always be accompanied by the relevant proposed or pending legislation, and any pertinent amendments to that legislation. Likewise, copies of any other documentary material necessary to answer your specific questions should also be attached. The failure to do so may well result in a delay to your response.

Opinion requests should always set out your specific legal concerns or questions. Requests such as "Is this law constitutional or legal," are simply too vague and thus inappropriate for a response from this office. Consequently, any such requests will be returned for a more detailed and specific statement of the issue or issues you wish addressed.

In closing, I assure you that we are committed to serve all members of the Legislature and their staffs as effectively as possible. We shall try our best to be responsive, competent and prompt. We welcome your suggestions as to how we can serve you better. In this regard, we would also note that this office is always available for informal discussion of any legal issues pertinent to any valid legislative purpose.

Sincerely,



Robert M. Spire
Attorney General

RMS/JB/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

State Senators

MISCELLANEOUS

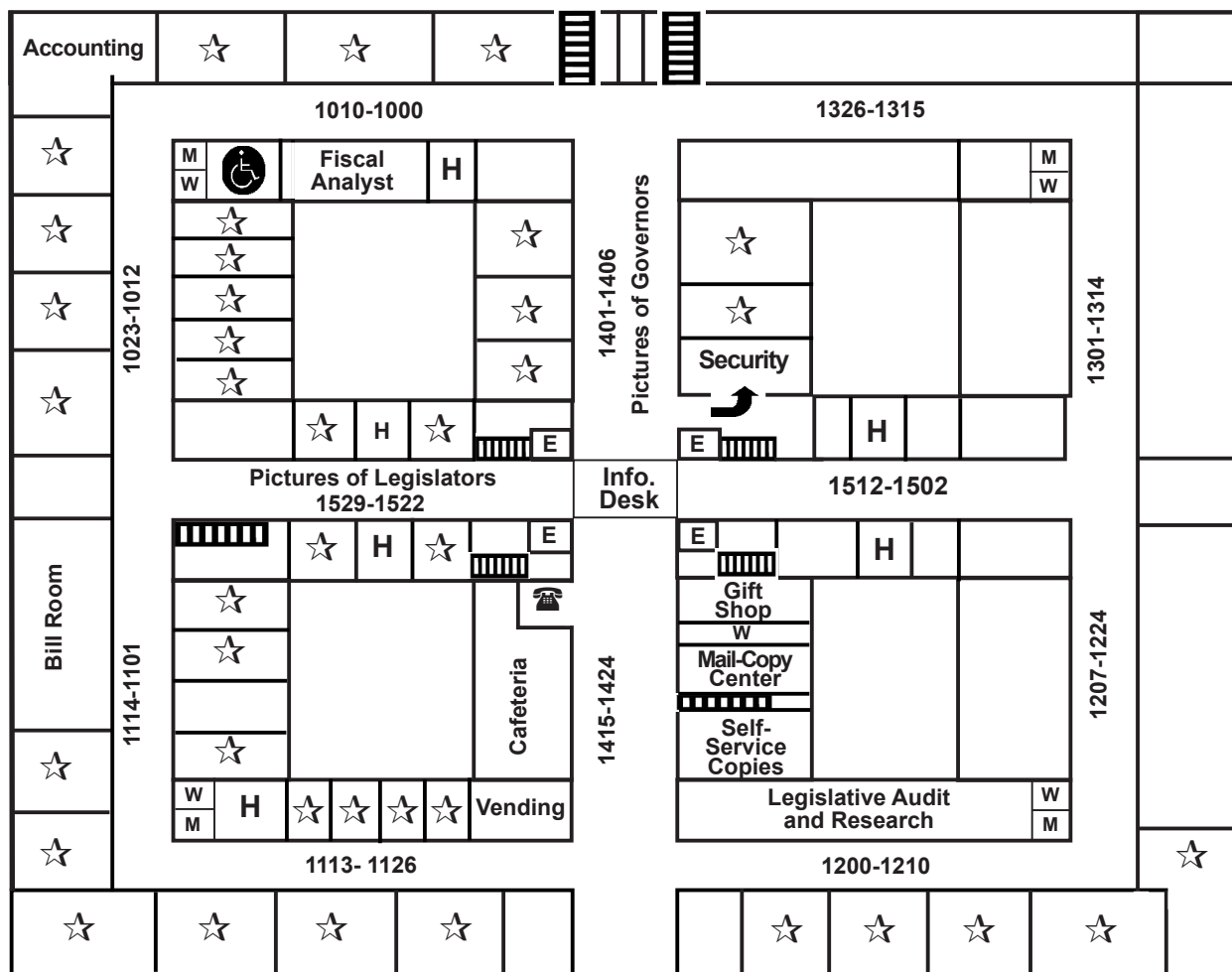
This section contains information on a variety of subjects that might be of interest to you, including mail policies, the fax machine and hearing room reservations. An index is listed below:

Capitol Floor Maps	78 — 82
Access/Identification Cards	83
Keys	83
Photocopying	83
Color Printer	83
Fax	83
Phone, Fax Machine Purchases, Use	83 — 84
Mail Procedures and Schedule	84
Executive Board Postal/Printing Policy	85 — 86
Interns	86
Policy Manual	86
Hearing Room Reservations	86
Policies Governing the Use of Legislative Space	87 — 90
Public Records Statutes	90 — 96

NEBRASKA LEGISLATURE

Legislator's Guide

Capitol Maps, 1st Floor



E - Elevator

 - Elevator (Handicap Accessible)

H - Hearing Rooms
Room 1003
Room 1113
Room 1507
Room 1510
Room 1524
Room 1525

 - Public Telephone

☆ - Senator's Office

 - Stairs

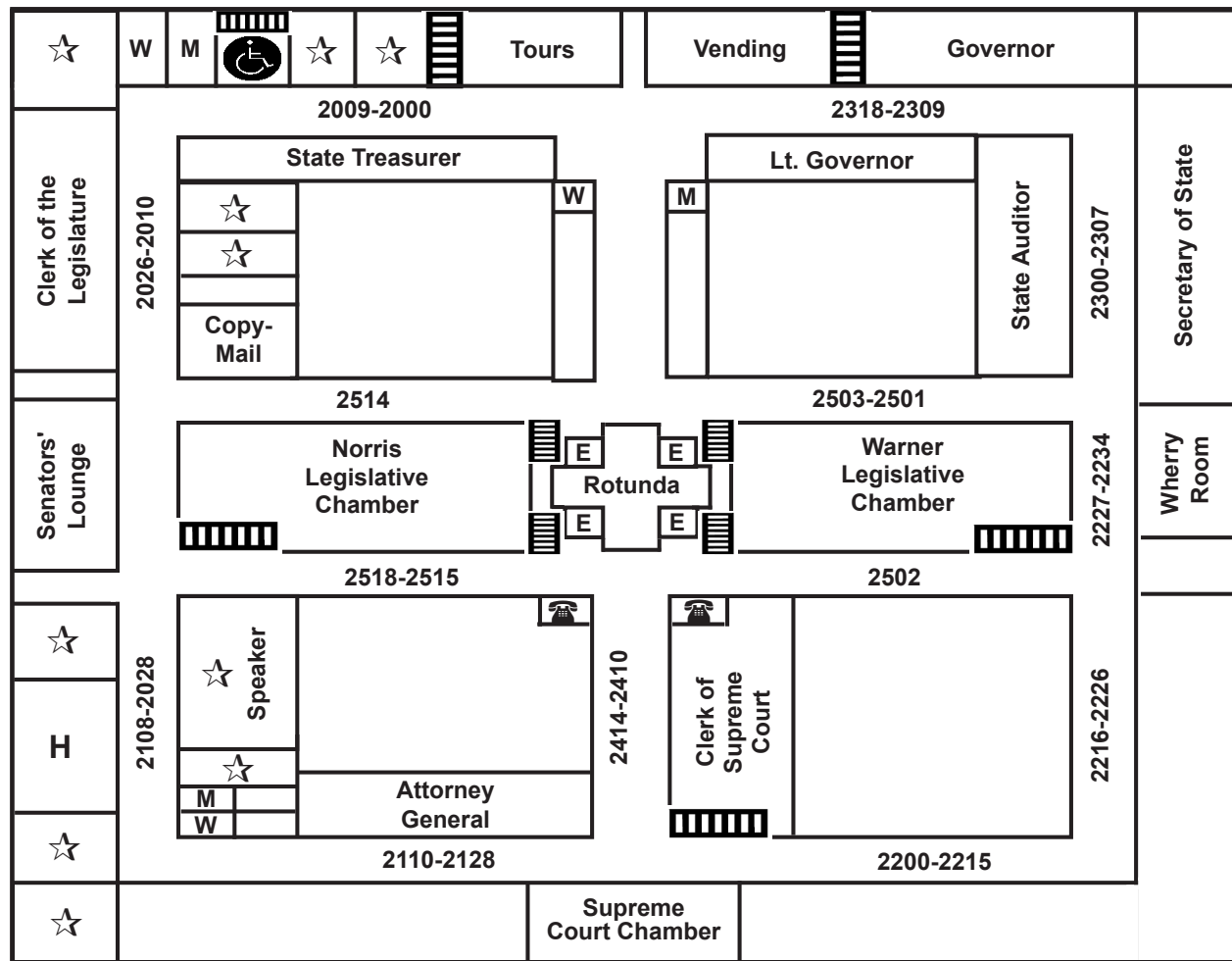
M - Men's Restroom

W - Women's Restroom

NEBRASKA LEGISLATURE

Legislator's Guide

Capitol Maps, 2nd Floor



E - Elevator

- Elevator (Handicap Accessible)

H - Hearing Room
Room 2102

- Public Telephone

☆ - Senator's Office

- Stairs

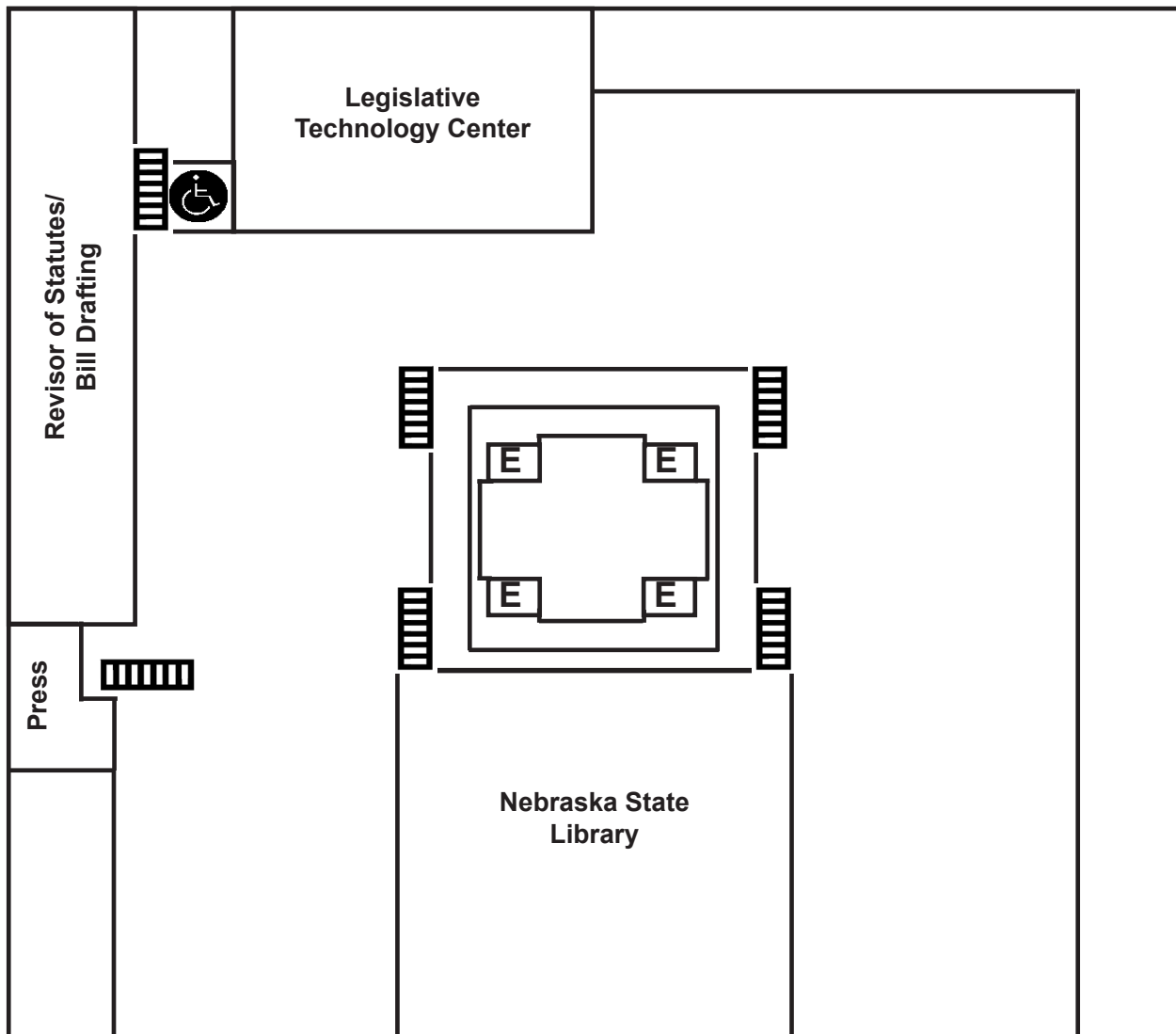
M - Men's Restroom

W - Women's Restroom

NEBRASKA LEGISLATURE

Legislator's Guide

Capitol Maps, 3rd Floor



E - Elevator

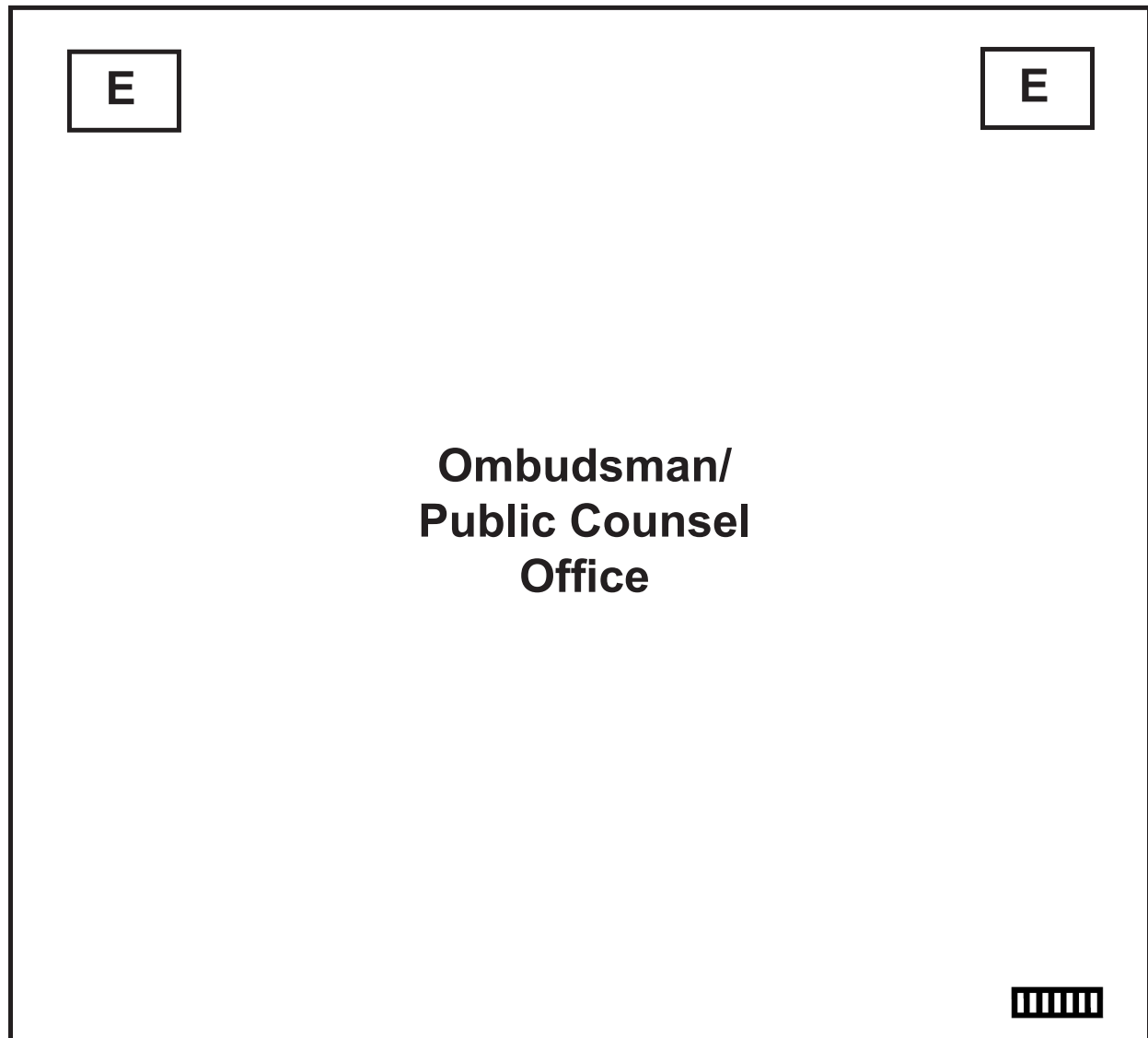


- Elevator (Handicap Accessible)



- Stairs

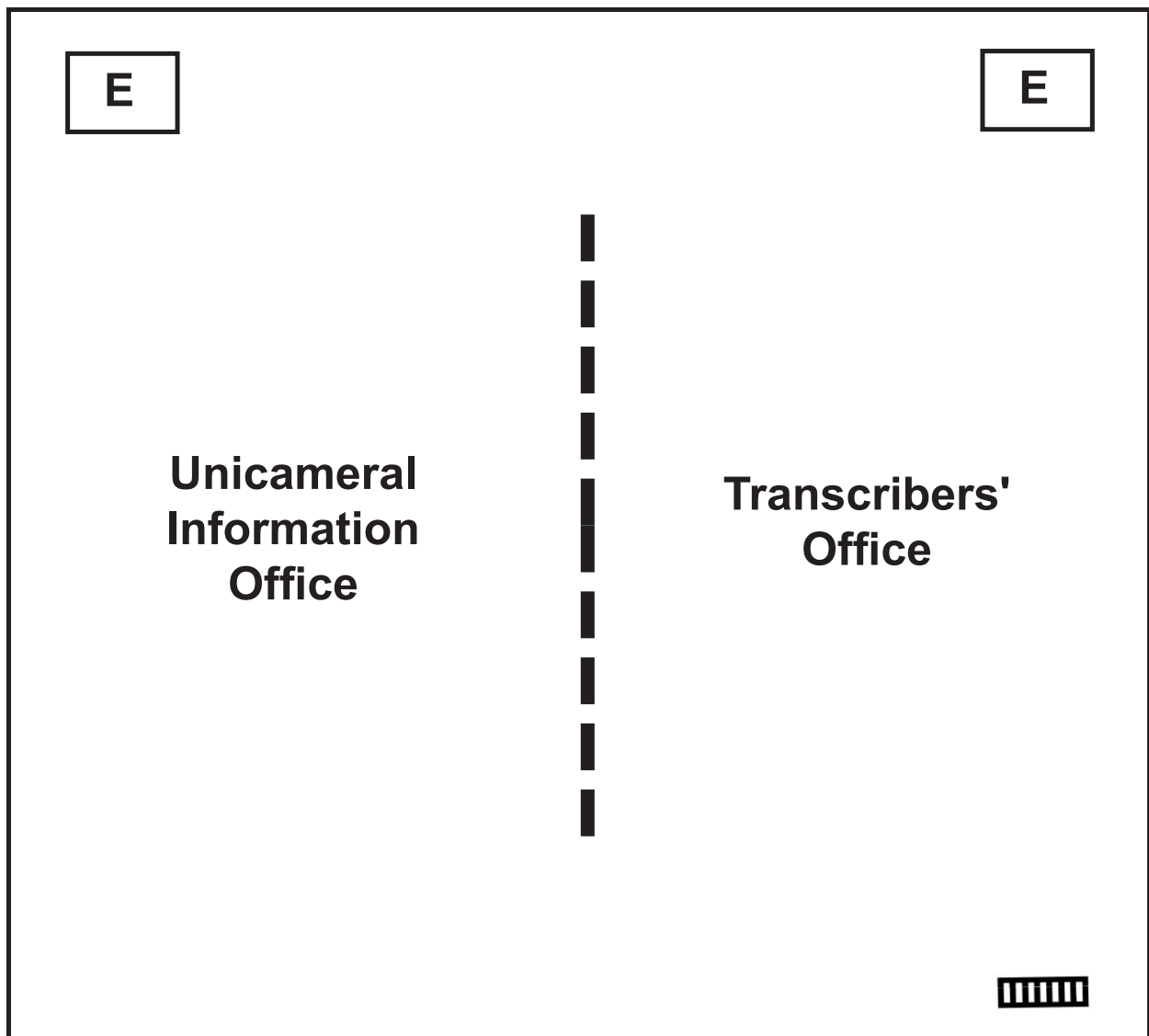
Capitol Maps, 8th Floor




E - Elevator

 - Stairs

Capitol Maps, 10th Floor



E - Elevator

 **- Stairs**

Access/Identification Cards

Access/Identification cards are issued through the Clerk's Office, Room 2018. The access/identification cards are produced with a photo by Capitol Security. Each legislative employee is required to have an access/identification card for access to the chamber during session and also to enter the building after hours. Any person who leaves employment from the Legislative Council must turn in their access/identification card to the Legislative Accounting Office.

Keys

Letters requesting office keys are to be given to the Clerk's Office in Room 2018. New staff must have a letter of authorization signed by their senator in order to be issued a key. Staff leaving employment in an office must turn their key in to the Clerk's Office.

Photocopying

A copy machine in Room 2021 is available to all senators and staff. A full-time key operator will assist you, if necessary, during the legislative session. Staff assistance is available during the interim. When copying assignments are large (20 copies of two or more pages) a copy requisition form should be filled out and the work must be taken to the Quick Copy Center on the first floor, Room 1419. Copy requisition forms can be filled out and printed off from the Forms section of the UniNet. The yellow copy of the requisition that is returned with the print job must be provided to the Accounting Office, Room 1022.

One color and two black-and-white self-service copiers are available in Room 1421 for access after 5 p.m., on weekends and for large copy assignments. The copiers have been programmed to use access codes. Please have your staff contact the Legislative Accounting Office in Room 1022 (471-2226) for instructions and access codes.

Color Printer

A networked color laser jet printer is available through the Mail Room, Room 2021, for use by legislative employees. It is advised that no more than 60 copies of an individual color page be printed, and color copies should be limited to documents for committee hearings or floor handouts. When printing to the color printer from your office computer, select the Mail Room RICOH Aficio CL7200 printer option. Documents printed on the color printer will be placed in your mailbox by copy/mail room staff. If you have questions with regard to printer options and printer accessibility, please contact the Legislative Technology Center at 471-2234. If you have questions on printed materials, please contact the Mail Room at 471-2304.

Fax

The Legislature's fax machine is located in Room 2021 and the fax phone number is 402-471-2126. Outgoing material may be faxed between 8 a.m. and 5 p.m. There is a 25-page limit on the number of pages that can be faxed at any one time.

The fax machine is not to be used to transmit copies of legislative bills. They should be mailed or can be accessed at our web site.

Phone, Fax Machine Purchases, Use

The state's telecommunication system may be used by state employees and officials for local calls and long-distance calls to children at home, teachers, doctors, day care centers, baby sitters and other family members to inform them of unexpected schedule changes and for other essential personal business. Calls must be kept to a minimum and must not interfere with the conduct of state business. Essential personal long distance calls must be collect, charged to a

third-party or charged to a personal credit card. (Section 81-1120.27)

Pursuant to sections 49-14,101, 50-401.05 and policies adopted by the Executive Board, a member of the Legislature may install and use with private funds a telephone line, telephone and fax machine in his or her public office for private purposes.

Your phone records will be provided monthly for your review and approval. Your phone records are public records. Pursuant to 81-1120.27, legislators, however, do have the ability to screen out sensitive and confidential phone calls. That ability to screen out certain calls is based on the important principal of legislator/constituent confidentiality. The Legislative Accounting Office can apprise you of the proper procedure for screening those types of phone calls.

Mail Procedures and Schedule

Legislative Council mail is distributed in Room 2021. Outgoing mail is processed and picked up by the state Central Mail Room staff at designated times.

Heavy mail should be marked 1st class in the upper left hand corner of the envelope or it will be sent the most economical way. If you have questions about the most economical route, please ask.

Notification of incoming certified mail is placed in senators' boxes in Room 2021. A senator's staff member may pick up special mail at the State Office Building, U.S. Post Office before 4 p.m. Note, the senator must sign the certified mail notice, and the staff member must show identification with their access card. Please see mail room staff for assistance.

The words "Interoffice" or "Interagency" should be in the top right corner of an envelope, along with a State Capitol return address. Please drop this mail in the "Interagency" slot.

DAS policy regarding interagency mail is as follows: Unidentified interagency mail (without return address or identifiable sending-agency markings) addressed to senators and/or Legislative Council personnel, will be bundled and returned to the Materiel Division, DAS, to be opened and returned to the appropriate agency director, if discernible.

Please be sure that complete return addresses are used. Rubber bands should be placed around bundles of mail and the number of pieces indicated on the top piece. Bundles of five envelopes or more do not need to be sealed. Please stack flaps open and place a rubber band around the stack. Single pieces always must be sealed. Please bundle thicker envelopes separately.

All mail must have a state return address, including stamped and interoffice mail. Please be sure that complete return addresses are used. If return addresses are missing or incomplete, the mail will not be processed.

All legislative mail must be processed through Room 2021. The two identified mail slots make mail sorting more efficient. Your cooperation in sorting metered and interagency mail will be appreciated. Personal stamped mail must be dropped in the slot in the mailroom on first floor, Room 1419. Personal stamped mail cannot be left in Room 2021.

PRESORT — Outgoing: 9:30 a.m. and 2:30 p.m. (from Room 2021)

NON-PRESORT — Outgoing: 3:45 p.m.

FEDERAL EXPRESS, UPS, EXPRESS MAIL — Outgoing: 2:00 p.m.

U.S. MAIL — Incoming: 8:30 a.m., 10:00 a.m., 3:00 p.m.

INTERAGENCY — Incoming: 10:00 a.m., 3:00 p.m.

Executive Board Postal/Printing Policy

Regulatory Procedures

In accordance with Sections 49-14,101(3), 49-14,101(4), and 81-165 Revised Statutes of Nebraska, the policy of the Executive Board will be that: the privilege of sending mail using public personnel, resources, property and funds shall be established under this regulatory procedure in order to assist and expedite the conduct of the official business, activities and duties of the Legislature of the State of Nebraska.

- a) It is the intent of the Executive Board that such official business, activities and duties cover all matters which directly or indirectly pertain to the legislative process or to any legislative representative functions generally, or to the function, working or operating of the Legislature and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or means of assistance in performance of those functions.
- b) It is the intent of the Executive Board that mail matter which may be sent at public expense specifically includes, but is not limited to:
 1. Mail matter to any person and to all agencies and officials of federal, state and local governments regarding programs, decisions and other related matters of public concern or public service, including any matter relating to actions of a past or current session of the Legislature.
 2. Newsletters or press releases which may deal with such matters as the impact of laws and decisions of state government on local governments and individual citizens; reports on public and official actions taken by members of the Legislature; and discussions of proposed or pending legislation or governmental actions and the positions of the members of the Legislature and/or arguments for or against such matters.
 3. Questionnaires seeking public opinion on any law, pending or proposed legislation, public issue or subject.
 4. Mail matter dispatched by a member of the Legislature between his or her Lincoln office and any legislative district offices or between his or her district offices.
 5. Mail matter directed by one member of the Legislature to another member of the Legislature or to representation of the legislative bodies of local governments.
 6. Mail matter expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction.
 7. Mail matter which consists of state laws, state regulations and other state publications, publications purchased with state funds or publications containing items of general information.
- c) The Clerk of the Legislature may print the following items, as needed, for each

member of the Legislature: business cards; envelopes (#10 regular); envelopes (#10 window); letterhead; note cards and envelopes; scratch pads; post cards and envelopes; and congratulations folders. Any other print request will require the approval of the Chairperson of the Executive Board.

- d) It is the intent of the Executive Board that the privilege of sending mail at public expense under this Regulatory Procedure shall not permit, and may not be used for, the transmission through the mails at public expense, of matter which in its nature is purely personal to the sender or which is primarily political in nature and unrelated to the official business, activities and duties of the members, officials and employees of the Legislature.
- e) It is the intent of the Executive Board that large mass mailings be discouraged. Consequently, each member of the Legislature will be allowed to mail 200 pieces on any one calendar day not to exceed 1,000 pieces in any one calendar month. Each standing Committee Chairperson, the Executive Board Chairperson and the Speaker of the Legislature will be allowed 200 pieces each day not to exceed 1,500 in any one calendar month. There will be no carry-over for unused portions of the mail allotment, and one member may not transfer mail privileges to another member. The Clerk of the Legislature shall notify the member when he or she has reached the maximum limit and that no further mail will be processed for that respective time frame.

Any expenses associated with a mailing contracted for with sources outside the Legislature, such as the preparation of mailing labels or the acquisition of a

mailing list system, will be paid for by the individual senator.

- f) In addition, members are prohibited from mailing newsletters and mass opinion surveys or questionnaires with public funds in any calendar year that the member is a candidate for reelection to the Legislature or election to any other public office.

This policy became effective August 1, 1995. It replaced policies on this subject approved on December 13, 1979; November 23, 1981; December 17, 1981; and August 1, 1985, which were rescinded.

Interns

Interns are not allowed access to the legislative chamber.

Policy Manual

The Legislature's Policy Manual (burgundy color, three-ring binder) contains a compilation of current Legislative Council policies and information on legislative operations. Periodically, modifications and replacement policies, as adopted by the Executive Board, are provided to each senator's office. *The Legislature's Policy Manual* should be kept current as a permanent office reference.

Hearing Room Reservations

Individual legislators may reserve the use of legislative space for an expressed purpose by filing a "legislative room request form" with the Clerk of the Legislature. It is necessary for the individual legislator to actively participate in and have ultimate responsibility for any activity conducted in legislative space reserved for him or her. More information about reserving hearing rooms is in the Policies Governing the Use of Legislative Space, which follows.

Policies Governing the Use of Legislative Space

Legislative space shall include all portions of the State Capitol controlled or occupied by the Legislature, its members and staff. Public legislative area shall include all legislative space other than offices of legislators and legislative staff (i.e. Hearing Rooms, Warner and Norris Legislative Chambers, Senate Lounge).

The needs of the Legislature shall in all cases have priority over requests from individual legislators, state agencies or public organizations. The Office of the Clerk of the Legislature is responsible for coordinating use of public legislative areas. Reserved space can be cancelled at any time in order to conform with the needs of the Legislature.

An area designated as the Legislative Press Room will be located in Room 1200 of the State Capitol. This space is being set aside for the exclusive use of sitting legislators to hold and conduct press conferences and press briefings. Only current members may reserve, use and/or participate in activities in the Legislative Press Room. The intent is to provide a forum designed as a one-way communications device so that only members of the media physically present may pose questions to the legislative sponsor of the press conference. Those media entities connected via a phone bridge will only be allowed to monitor the press conference and will not have the ability to pose questions. The use of the Legislative Press Room by any sitting member must relate to the performance of and the carrying out of a legislator's official duties. The activity scheduled in the Legislative Press Room should be informational in nature to either a local, regional or statewide population. Use of the Legislative Press Room for personal campaign activity is expressly prohibited. It shall be necessary for a legislator to reserve the Legislative Press Room by using a "space usage form" and complying with the

requirements as noted below. The final decision as to use of the Legislative Press Room shall rest with the Clerk of the Legislature and is subject to appeal to the Executive Board.

The Norris Legislative Chamber (West Chamber), the Hasebroock Room (West Senate Lounge), the Legislative Press Room, the Wherry Room (East Senate Lounge) and Room 2022 are not available for use by state agencies or public organizations for any purpose.

The Norris Chamber (West Chamber) and the Legislative Press Room may not be used for campaign-related activity. Photo or video sessions or press conferences in the Norris Chamber (West Chamber) or the Legislative Press Room for non-legislators or former legislators is expressly prohibited.

All other public legislative areas, including all committee hearing rooms, the Warner Legislative Chamber (East Chamber) and public meeting rooms, shall be available for use by the various state agencies and qualifying public organizations.

The following requirements shall apply:

Individual Legislators/Constituents: Individual legislators shall have the opportunity to reserve use of legislative space for an expressed purpose. However, it shall be necessary for the individual legislator to actively participate in and have ultimate responsibility for conducting the meeting. Space may be reserved in any one of three-hour increments: 7:30 a.m. — 10:30 a.m., 10:30 a.m. — 1:30 p.m., and 1:30 p.m. — 4:30 p.m. In order to maximize the use of space by legislators/constituents and public organizations, booking for more than one three-hour segment will not be permitted. Legislators, when requesting use of legislative space, shall file with the Clerk's Office a "space usage form," which shall be designed by the Clerk and approved by the Executive Board. Personal staff of the sponsoring legislator shall have the responsibility for ensuring that the use of

legislative space is consistent with these policy provisions. The request for use of legislative space by an individual legislator should be related to performance of and carrying out his/her official duties. In other words, the activity should be for information gathering or dissemination or educational in scope and should relate to the formulation of state policy. Press conferences held by individual legislators fall within this category. The reservation of public legislative areas by legislators for holding a press conference by non-legislators is not permitted unless the legislator is an active participant in the press conference.

State Agencies: State agencies desiring to use public legislative areas shall submit their request in writing to the Clerk's Office. Confirmation of use of legislative space will not be provided until the written request is received. The request shall include the agency name, proposed date of the meeting, purpose of the meeting and the number of persons expected to attend. In addition, the letter should indicate the name and daytime telephone number of a contact person, plus any other special details or requirements (i.e. equipment needed). The purpose of the meeting shall be consistent with the role and mission of the requesting state agency and shall involve only government-related purposes and/or business activities.

Public Organizations: The use of legislative areas by public organizations shall be limited to educational and information meetings that have a reasonable relationship to the legislative process. A request for use of legislative space by a public organization shall be submitted to the Clerk of the Legislature for approval. Space may be reserved in any one of three-hour increments: 7:30 a.m. — 10:30 a.m., 10:30 a.m. — 1:30 p.m., and 1:30 p.m. — 4:30 p.m. In order to maximize the use of space by legislators/constituents and public organizations, booking for more than one three-hour segment will not be permitted. Hear-

ing rooms will not be provided to public organizations if the purpose for the meeting is to advocate the introduction of legislation or to encourage or oppose the enactment of any legislation, resolution or other decision that is or may be before the Legislature or its committees.

Any requests by a public group shall be reviewed on a case-by-case basis. Some of the factors used in determining either approval or denial of the request include the following: purpose of the group, reason for the meeting, whether or not public officials are involved and whether the group or association is a statewide organization.

Miscellaneous Provisions: The following general provisions shall apply to legislators, state agencies or organizations using public legislative areas:

- A) The final decision as to use of legislative space shall rest with the Clerk of the Legislature.
- B) Nothing is to be applied, hung, or affixed to ceilings, wall, floors, furniture or other surfaces in public legislative space without prior written authorization from the Clerk's Office. Furthermore, furniture in these public legislative spaces is not to be moved without prior authorization from the Clerk's Office.
- C) All requests for use of the Legislative Press Room and the public legislative areas shall be reviewed by the Clerk of the Legislature in the order of receipt. In case of conflicts, the earlier written request shall have priority, except that the Legislature and its members shall have priority over state agency and public group usage.
- D) The effect of any proposed special event upon the regular activities of the Legislature shall be considered before permission for use of public legislative space is granted.
- E) Events involving food service of any kind will generally not be permitted except in

designated food areas. No hot breakfast service will be allowed inside legislative designated food areas at any time. Furthermore, in the case of a weekend event involving the use of legislative space, no food service will be allowed. Exceptions to the policy may be considered only in instances where such an event is of great importance or significance to the Legislature or state government.

- F) Normal business hours for use of public legislative areas shall be Monday through Friday, 7:30 a.m. to 5:00 p.m.
- G) Any organization requesting use of public legislative areas shall be asked to provide a program or agenda of the planned meeting activity as early as practicable prior to the meeting. Failure to supply a program or meeting agenda shall result in forfeiture of the room's use.
- H) Any state agency or public group requesting use of public legislative areas should submit its request as early as practicable prior to the meeting.
- I) All sponsoring organizations shall be responsible for any and all damage occurring to public legislative areas as a result of the event. In instances where a legislator(s) has reserved space, the legislator's personal staff shall be responsible for ensuring compliance in the use of the room with legislative council policy.
- J) Use of public legislative areas shall not prohibit or restrict access to other public areas of the Capitol during hours the building is open. (2/07)

Warner Legislative Chamber Space Usage Policy

The Legislature has established a Space Usage Policy designed to govern how and when public legislative space is to be utilized. The

provisions of that policy are applicable in the utilization of the Warner Legislative Chamber. In addition, the following constitutes additional guidelines to be followed in the use of the Warner Legislative Chamber.

The Warner Legislative Chamber, which includes three visitor balconies, is a designated preservation space within the Capitol and was restored and renovated by the Nebraska Legislature in the fall of 1998 and, as such, shall be subject to the following requirements for its use.

1. The use of this chamber may only be granted by written approval of the Clerk of the Legislature after filling out a "Legislative Room Request Form" two days in advance of the intended event. By so doing, the applicant acknowledges awareness of and agrees to adhere to the provisions of the Space Usage Policy.
2. Events involving the Legislature or agencies of state government shall take precedent over activities of non-state government agencies. Therefore, the Legislature reserves the right to cancel previously approved events in this chamber at any time.
3. Routine physical access to the Warner Legislative Chamber shall be made via the southeast corner door or the north or south double doors. The hand-carved Indian doors from the rotunda shall only be used during the course of a scheduled event held in the chamber.
4. The seating capacity of this chamber is limited to 300 by state law through the State Fire Marshal's office. At no time shall the number of room occupants exceed this limit, which is defined by the number of chairs or bench seating located within the chamber. No additional seating may be brought into the room.

Standing in aisles, under the balconies, or around the perimeter of the chamber is not allowed when all available seating has been occupied.

The maximum number allowable on the chamber floor is 159 (125 side chairs, 34 leather chairs). The maximum number allowable in the balcony areas is 140.

5. Smoking or use of tobacco products of any kind are prohibited in this chamber.
6. The use of candles or open flames are prohibited in this chamber.
7. Food and/or drink items are prohibited in this chamber.
8. The audio-visual and computer equipment housed in this chamber may be used only as directed and specifically approved in writing on the Room Request Form. All user groups wishing to operate these components shall stipulate which feature(s) they wish to use during their event (indicate by checking boxes on equipment form). Instructions will be given to user groups for the use of the equipment/features approved. Only the equipment specifically authorized may be operated by user groups.
9. This chamber is appointed with furniture and furnishing items original to the Capitol and are inventoried specifically to this room. It is expected that user groups will use the room as it is arranged and not move, alter, or remove furnishings from the chamber. All moving and arrangement of furnishings or equipment in this chamber shall be the responsibility of the Legislature, or, depending on the nature of the event, Office of the Capitol Commission. This requirement applies to the window draperies in the north and south balconies as well. User groups may not bring auxiliary equipment into

the chamber for any purpose except that which has been approved in advance. No banners, wall hangings, or other displays incapable of being set on a table, may be used in this room. No signs, posters, or similar material shall be affixed to the walls, railings, desks, or other architectural finishes of the space. Pianos, organs or other large musical instruments may not be brought into this chamber.

Public Records Statutes

The following are public records statutes. They stipulate that state senators' correspondence, memoranda and records of telephone calls are confidential and may be withheld from the public. See Section 84-712.05.

Section 84-712

Public records; free examination; memorandum and abstracts; copies; fees.

- (1) Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in section 84-712.01, are hereby fully empowered and authorized to (a) examine the same, and make memoranda, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.
- (2) Copies made by citizens or other persons using their own copying or photocopying

equipment pursuant to subdivision (1)(a) of this section shall be made on the premises of the custodian of the public record or at a location mutually agreed to by the requester and the custodian.

- (3) (a) Copies may be obtained pursuant to subdivision (1)(b) of this section only if the custodian has copying equipment reasonably available. Such copies may be obtained in any form designated by the requester in which the public record is maintained or produced, including, but not limited to, printouts, electronic data, discs, tapes and photocopies.
- (b) Except as otherwise provided by statute, the custodian of a public record may charge a fee for providing copies of such public record pursuant to subdivision (1)(b) of this section, which fee shall not exceed the actual cost of making the copies available. For purposes of this subdivision, (i) for photocopies, the actual cost of making the copies available shall not exceed the amount of the reasonably calculated actual cost of the photocopies, (ii) for printouts of computerized data on paper, the actual cost of making the copies available shall include the reasonably calculated actual cost of computer run time and the cost of materials for making the copy, and (iii) for electronic data, the actual cost of making the copies available shall include the reasonably calculated actual cost of the computer run time, any necessary analysis and programming, and the production of the report in the form furnished to the requester. State agencies which provide electronic access to public records through a gateway service shall obtain approval of their proposed reasonable fees for such records pursuant to sections 84-1205.02 and 84-1205.03, if applicable, and the actual cost of making the copies available may include the approved fee for the gateway service.
- (c) This section shall not be construed to require a public body or custodian of a public record to produce or generate any public record in a new or different form or format modified from that of the original public record.
- (d) If copies requested in accordance with subdivision (1)(b) of this section are estimated by the custodian of such public records to cost more than fifty dollars, the custodian may require the requester to furnish a deposit prior to fulfilling such request.
- (4) Upon receipt of a written request for access to or copies of a public record, the custodian of such record shall provide to the requester as soon as is practicable and without delay, but not more than four business days after actual receipt of the request, either (a) access to or, if copying equipment is reasonably available, copies of the public record, (b) if there is a legal basis for denial of access or copies, a written denial of the request together with the information specified in section 84-712.04, or (c) if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual

receipt of the request due to the significant difficulty or the extensiveness of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request.

Section 84-712.01

Public records; right of citizens; full access; fee authorized.

- (1) Except when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.
- (2) When a custodian of a public record of a county provides to a member of the public, upon request, a copy of the public record by transmitting it from a modem to an outside modem, a reasonable fee may be charged for such specialized service. Such fee may include a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software, necessarily added in order to provide such specialized service. This subsection shall not be construed to require a governmental entity to acquire computer capability to generate public records in a new or different form when that new form

would require additional computer equipment or software not already possessed by the governmental entity.

- (3) Sections 84-712 to 84-712.03 shall be liberally construed whenever any state, county, or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt or other record of receipt, cash or expenditure involving public funds is involved in order that the citizens of this state shall have the full right to know of and have full access to information on the public finances of the government and the public bodies and entities created to serve them.

Section 84-712.02

Public records; claimants before United States Department of Veterans Affairs; certified copies free of charge.

When it is requested by any claimant before the United States Department of Veterans Affairs or his or her agent or attorney that certified copies of any public record be furnished for the proper and effective presentation of any such claim in such department, the officer in charge of such public records shall furnish or cause to be furnished to such claimant or his or her agent or attorney a certified copy thereof free of charge.

Section 84-712.03

Public records; denial of rights; remedies.

Any person denied any rights granted by sections 84-712 to 84-712.03 may elect to:

- (1) File for speedy relief by a writ of mandamus in the district court within whose jurisdiction the state, county or political subdivision officer who has custody of the public record can be served; or

- (2) Petition the Attorney General to review the matter to determine whether a record may be withheld from public inspection or whether the public body that is custodian of such record has otherwise failed to comply with such sections. This determination shall be made within fifteen calendar days of the submission of the petition. If the Attorney General determines that the record may not be withheld or that the public body is otherwise not in compliance, the public body shall be ordered to disclose the record immediately or otherwise comply. If the public body continues to withhold the record or remain in noncompliance, the person seeking disclosure or compliance may (a) bring suit in the trial court of general jurisdiction or (b) demand in writing that the Attorney General bring suit in the name of the state in the trial court of general jurisdiction for the same purpose. If such demand is made, the Attorney General shall bring suit within fifteen calendar days of its receipt. The requester shall have an absolute right to intervene as a full party in the suit at any time.

In any suit filed under this section, the court has jurisdiction to enjoin the public body from withholding records, to order the disclosure and to grant such other equitable relief as may be proper. The court shall determine the matter de novo and the burden is on the public body to sustain its action. The court may view the records in controversy in camera before reaching a decision, and in the discretion of the court other persons, including the requester, counsel and necessary expert witnesses may be permitted to view the records, subject to necessary protective orders.

Proceedings arising under this section, except as to the cases the court considers of greater

importance, shall take precedence on the docket over all other cases and shall be assigned for hearing, trial or argument at the earliest practicable date and expedited in every way.

Section 84-712.04

Public records; denial of rights; public body; provide information.

- (1) Any person denied any rights granted by sections 84-712 to 84-712.03 shall receive in written form from the public body which denied the request for records at least the following information:
 - (a) A description of the contents of the records withheld and a statement of the specific reasons for the denial, correlating specific portions of the records to specific reasons for the denial, including citations to the particular statute and subsection thereof expressly providing the exception under section 84-712.01 relied on as authority for the denial;
 - (b) The name of the public official or employee responsible for the decision to deny the request; and
 - (c) Notification to the requester of any administrative or judicial right of review under section 84-712.03.
- (2) Each public body shall maintain a file of all letters of denial of requests for records. This file shall be made available to any person on request.

Section 84-712.05

Records which may be withheld from the public; enumerated.

The following records, unless publicly disclosed in an open court, open administrative

proceeding or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

- (1) Personal information in records regarding a student, prospective student, or former student of any educational institution or exempt school that has effectuated an election not to meet state approval or accreditation requirements pursuant to section 79-1601 when such records are maintained by and in the possession of a public entity, other than routine directory information specified and made public consistent with 20 U.S.C. 1232g, as such section existed on January 1, 2003;
- (2) Medical records, other than records of births and deaths and except as provided in subdivision (5) of this section, in any form concerning any person; records of elections filed under section 44-2821; and patient safety work product under the Patient Safety Improvement Act;
- (3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;
- (4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations or claims made by or against the public body or which are confidential communications as defined in section 27-503;
- (5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification or strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person;
- (6) Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;
- (7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;
- (8) Information solely pertaining to protection of the security of public property and persons on or within public property, such as specific, unique vulnerability assessments or specific, unique response plans, either of which is intended to prevent or mitigate criminal acts the public disclosure of which would create a substantial likelihood of endangering public safety or property; computer or communications network schema, passwords and user identification names; guard schedules; or lock combinations;
- (9) The security standards, procedures, policies, plans, specifications, diagrams, access lists and other security-related records of the Lottery Division of the Department of Revenue and those persons or entities with which the division has entered into contractual relationships. Nothing in this subdivision shall allow the division to withhold from the public any information relating to amounts paid persons or entities with which the division has entered into contractual relationships,

amounts of prizes paid, the name of the prize winner, and the city, village or county where the prize winner resides;

- (10) With respect to public utilities and except as provided in sections 43-512.06 and 70-101, personally identified private citizen account payment information, credit information on others supplied in confidence, and customer lists;

- (11) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;

- (12) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature in whatever form. The lawful custodian of the correspondence, memoranda and records of telephone calls, upon approval of the Executive Board of the Legislative Council, shall release the correspondence, memoranda and records of telephone calls which are not designated as sensitive or confidential in nature to any person performing an audit of the Legislature. A member's correspondence, memoranda and records of confidential telephone calls related to the performance of his or her legislative duties shall only be released to any other person with the explicit approval of the member;

- (13) Records or portions of records kept by public bodies which would reveal the location, character or ownership of any known archaeological, historical or paleontological site in Nebraska when necessary to protect the site from a reasonably held fear of theft, vandalism or trespass. This section shall not apply to the release of information for the purpose

of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act;

- (14) Records or portions of records kept by public bodies which maintain collections of archaeological, historical or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act;

- (15) Job application materials submitted by applicants, other than finalists, who have applied for employment by any public body as defined in section 84-1409. For purposes of this subdivision, (a) job application materials means employment applications, resumes, reference letters and school transcripts, and (b) finalist means any applicant (i) who reaches the final pool of applicants, numbering four or more, from which the successful applicant is to be selected, (ii) who is an original applicant when the final pool of applicants numbers less than four or (iii) who is an original applicant and there are four or fewer original applicants; and

- (16) Social security numbers; credit card, charge card or debit card numbers and expiration dates; and financial account numbers supplied to state and local governments by citizens

Section 84-712.06**Public record; portion provide; when.**

Any reasonably segregable public portion of a record shall be provided to the public as a public record upon request after deletion of the portions which may be withheld.

Section 84-712.07**Public records; public access; equitable relief; attorney's fees; costs.**

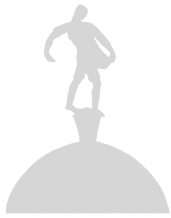
The provisions of sections 84-712, 84-712.01, 84-712.03 to 84-712.09, and 84-1413 pertaining to the rights of citizens to access to public records may be enforced by equitable relief, whether or not any other remedy also is available. In any case in which the complainant seeking access has substantially prevailed, the court may assess against the public body which had denied access to their records, reasonable attorney fees and other litigation costs reasonably incurred by the complainant.

Section 84-712.08**Records; federal government; exception.**

If it is determined by any federal department or agency or other federal source of funds, services or essential information, that any provision of sections 84-712, 84-712.01, 84-712.03 to 84-712.09 and 84-1413 would cause the denial of any funds, services or essential information from the United States Government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services or essential information.

Section 84-712.09**Violation; penalty.**

Any official who shall violate the provisions of sections 84-712, 84-712.01, and 84-712.03 to 84-712.08 shall be subject to removal or impeachment and in addition shall be deemed guilty of a Class III misdemeanor.



CLERK OF THE LEGISLATURE
Room 2018
State Capitol
Lincoln, NE 68509
Contact: Judy Backhaus 471-0766

LEGISLATIVE ROOM REQUEST FORM

Date:

Senator/Agency:

Agency Address:

Contact Person:

Phone Number:

Room Preference:

Date of Use:

Time: Until:

Purpose:

Public Hearing:

Number of Senators Attending:

Number of People Expected:

Comments:

Calling before submitting a request form does not hold or confirm a room. Rooms are assigned as available and in order of written request. Reserved space can be cancelled at any time in order to conform with the needs of the Legislature.

Room Number Assigned: _____

Approved or Denied this _____ day of _____, 20____

Clerk of the Legislature

RULES FOR ROOM USE

Equipment must be requested in advance. (See Below)

Do not rearrange or move furniture or other items in the rooms. Call for assistance. Once set-up has been completed by legislative staff please do not rearrange.

Stationary tables in the hearing rooms are not to be moved by anyone at anytime. Do not touch microphones, connecting cables, or recording equipment.

Folding tables can only be used in Rooms 1113, 1023 and 1126. The use of tables must be requested in advance. (See Below)

Food is allowed in Rooms 1023 and 1126 only (includes coffees, continental breakfasts, and box lunches). Requests that involve food service must be made in advance on this form. Cleaning up before you leave the room is essential. You are expected to clean up all trash (handouts, cups, etc.) as a result of your using the room.

Early access to the rooms requires prior arrangements.

If the use of sound equipment has been authorized, please call for assistance before operating the equipment.

Nothing is to be applied, hung, or affixed to ceilings, wall, floors, furniture, or other surfaces.

We ask your cooperation in leaving the room in the same condition as you found it.

EQUIPMENT

**EASEL
PODIUM
WHITE BOARD
SCREEN
SPEAKER PHONE (if
available)
TV
VCR/DVD
RECORDING EQUIPMENT
(excluding 1023 & 1126)**

ADDITIONAL

**TABLES – specify under comments
FOOD – 1023 & 1126
USE OF SOUND EQUIPMENT
(excluding 1023 & 1126)
PAGES – SENATORS ONLY

VIDEO HOOKUP
OTHER**

Video taping will not be available.

WARNER LEGISLATIVE CHAMBER EQUIPMENT

- ☐ **SLIDE PROJECTOR:** One of the capabilities is to project slides up on the big screen through the projector. Bring in a carousel with slides placed in a regular manner for a Kodak projector, or bring in slides and load them in a carousel tray available on site.
- ☐ **DOCUMENT CAMERA:** This will project a document (sized up to 10"x14") as an image onto the big screen. It will project color images or objects. For best results in avoiding a glare, they must be removed from a plastic sheet protector or glass cover. It is very easy to change pictures or sheets while giving a lecture.
- ☐ **VHS VCR TAPE PLAYER:** This plays a standard VHS tape and projects it on the big screen with sound. That same program could go out on the closed circuit TV as can any and all the program equipment pieces.
- ☐ **S-VHS VCR TAPE PLAYER:** This is an enhanced VHS tape player that is of better quality and can be used just like a regular VHS tape.
- ☐ **BETA TAPE PLAYER:** This is a professional tape player used in the TV broadcasting industry. It is for playing tapes produced by TV stations and Educational Television.
- ☐ **DVD PLAYER:** This can be projected on the big screen. This system can also play a CD.
- ☐ **COMPUTER:** Two options exist for projecting computer-generated materials. The first option allows for use of the speaker's own portable computer. The portable PC must have an external VGA port so it may be connected to the projection system, and the speaker must know how to activate the external VGA port. This will allow the speaker to use any software that is installed on his portable PC to aid in the presentation. Direct Internet access via a network connection will not be allowed. However, a telephone line is provided for dial up access through a modem.

The second option is to use the computer that is provided with the system. The computer is a Dell V350 using Windows 98. It is set up with the video resolution at 1024x768 and 16 bit color. A flat panel monitor is built into the podium so the speaker may view his presentation while facing the audience. The system has a CD-ROM, 100 MB Zip drive, a 3-1/2 diskette drive from which presentations can be accessed. The PC is connected to the sound system in the chamber so sound enabled presentations can be used. A network connection to the Internet is provided for high-speed access. Standard Internet applications include Microsoft Internet Explorer, Telnet, and FTP. Microsoft Office Small Business Edition is installed which includes Word, Excel, and Publisher. In addition, the viewer for Microsoft PowerPoint is installed.

Other mainstream presentation viewers may be accommodated if appropriate notice is provided (minimum of two days), and if there is no significant commitment of legislative human resources involved.

- ☐ **SOUND SYSTEM:** The room has dual sound capabilities. There is a 5.1 system for public address purposes and a Surround Sound capability for all the video equipment. There is a cordless mike and a tie tack lapel mike for presentations. This system does not accommodate audio cassettes.
- ☐ **AMX CONTROL SYSTEM:** An attendant can manage interchanging any and all of the above procedures, as well as bring up the closed circuit cable TV which carries the activity in the George W. Norris Legislative Chamber live.

THERE ARE NO AUDIO AND/OR VIDEO RECORDING CAPABILITIES

EXTERNAL RELATIONSHIPS

Working With the Executive Branch of Government

The governor is the chief executive officer of the state of Nebraska. The governor's responsibilities include preparing the state budget, appointment of certain state officers, signing or vetoing legislation adopted by the Legislature, serving as commander-in-chief of the national guard, administering state affairs and carrying out all other constitutionally and statutorily defined duties.

Nebraska state government functions are carried out by agencies, boards, commissions, committees, councils and authorities.

Governor's Policy Research Office

The Governor's Policy Research Office (PRO) is a statutory agency affiliated with the Governor's Office. It assists in the development, implementation and review of state government policy. The agency has broad statutory authority to direct, coordinate, advise and consult with other state government entities. The director serves at the pleasure of the governor. The agency is organized on a functional basis, with policy advisers serving as a primary source of information and as liaisons between the governor and other public/private entities on assigned policy areas.

The office monitors legislative bills, coordinates legislative activities of code agencies and coordinates the development and promotion of the governor's legislative agenda. The Policy Research Office serves as a specialized staff for the governor, and is available to assist legislators and their staff with communications with all agencies within the executive branch of government.

Budget Division

The Budget Division is a division of the Department of Administrative Services (DAS). The Budget Division provides direction, coordination

and support for state agencies in the preparation of mid-biennium and biennial budget requests. The division assists the governor in preparing his or her state budget recommendations and administering the approved state budget.

The director has the responsibility for policies and initiatives that impact statewide operations and plays a key role in making decisions in the interest of economy and efficiency in government. The Budget Division is available to assist legislators and their staff on issues related to the state's budgetary process.

Gubernatorial Action on Legislation

After the Legislature passes a bill on final reading, it goes to the governor for consideration. The governor has five days, excluding Sundays, to take action on a legislative bill. The following outlines the options available to the governor and the process the Legislature may follow as a result of his/her decision.

- The governor may sign the bill into law. If the bill does not contain the emergency clause and there are no operative date(s), the bill becomes effective three calendar months (rather than 90 days) after the Legislature adjourns sine die. If the bill contains the emergency clause, the bill becomes effective the next day after the governor signs it. If the bill contains operative date(s), the bill becomes effective on the dates specified in the bill.
- The governor may veto a bill. Any member of the Legislature may offer a motion to override the governor's veto of the bill. The Legislature must address the motion no later than five legislative days after

receiving the governor's veto. A three-fifths (30) vote of the elected members is required to override a veto. If the motion receives the 30 votes required, the bill becomes law notwithstanding the objections of the governor. If the motion does not receive the 30 votes required, the veto is sustained.

- The governor may line-item, reduce or outright veto an appropriation bill. The Appropriations Committee reviews the veto of budget bills, and provides a report to the Legislature within one legislative day. The committee may recommend to the Legislature an override of the veto, or it may recommend no override of the veto. If the committee recommends an override of the veto, that motion shall be the first motion considered by the Legislature. After that motion has been disposed of, any member of the Legislature may then offer a motion to override. A three-fifths (30) vote of the elected members is required to override a line-item veto.
- The governor may take no action on a legislative bill within the five day period. If that occurs, the bill becomes law without the governor's signature.

Signing Ceremony

After a bill has been passed by the Legislature, occasionally a senator may ask the governor to hold a ceremony to sign the bill. This is referred to as a "signing ceremony." The governor, along with the introducer of the bill and other senators who may have been involved with the bill, holds an official ceremony in which the governor signs

the bill into law. The press may or may not be included in a signing ceremony. A more frequently used alternative is an informal signing ceremony. This typically involves a senator and supporters having their picture taken with the governor and the governor providing copies of the bill with his or her signature. A senator who wishes to have either type of ceremony should contact the Governor's Policy Research Office (PRO). Requests for bill signing ceremonies will be communicated to the governor by the PRO for consideration on a case by case basis.

Introduction at the Request of the Governor

Legislative bills may be introduced at the request of the governor. The Governor's Office may work with a senator's office on a bill that contains subject matter they are both interested in, and may ask a senator to introduce the bill on his or her behalf. The bill will be delivered to the senator's office and the front page of the bill will be stamped with the words "At the Request of the Governor." The senator signs the bill and turns the bill into the Clerk's Office for introduction.

Introduction after the First 10 Days

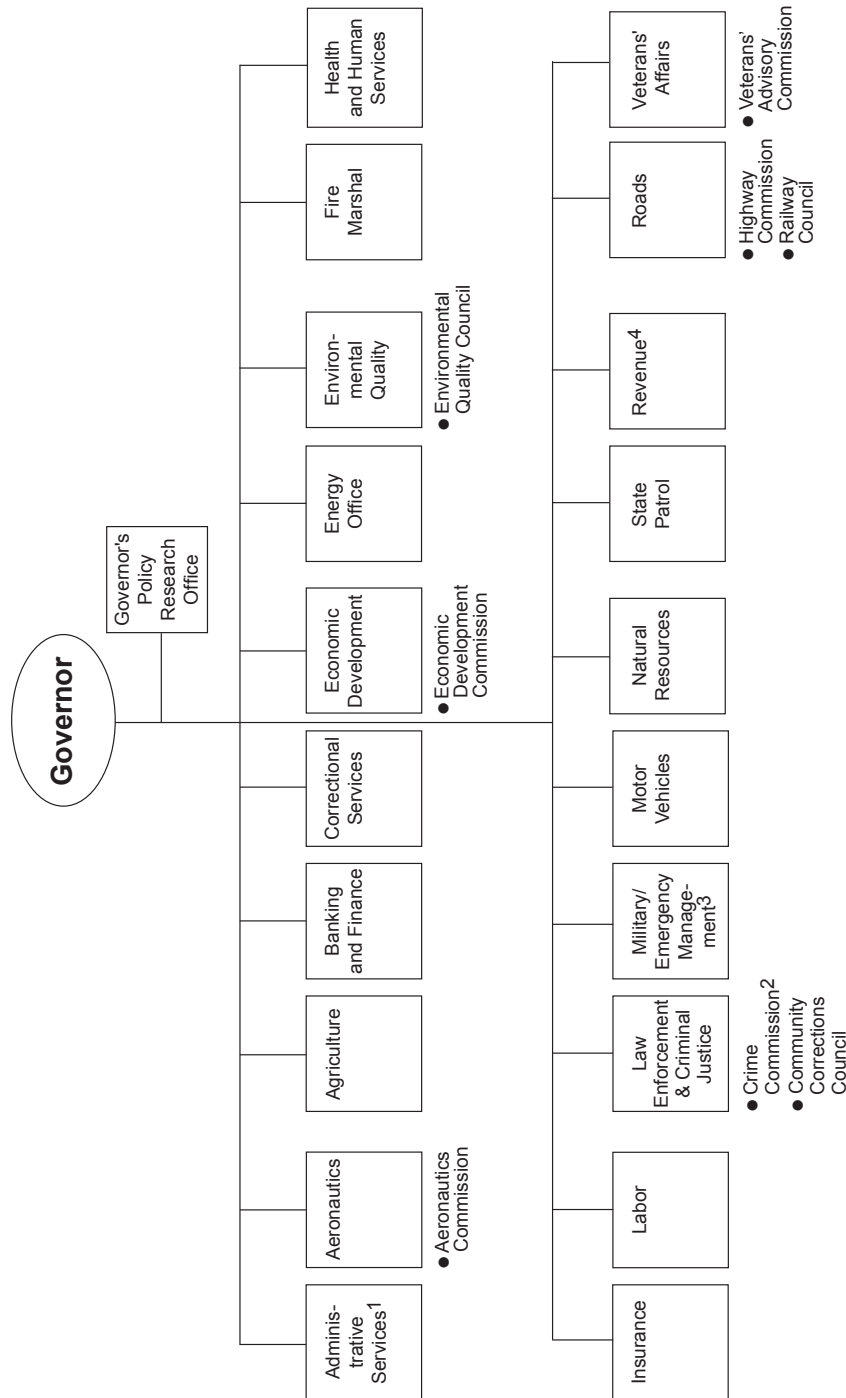
No bill shall be introduced after the 10th legislative day of the session, except bills introduced at the request of the governor, which may be introduced at any time during the session. It is extremely rare that a Governor submits a bill for introduction after the first 10 days of session.

Code Agencies

Code agencies are state government departments and agencies subject to the governor's direct control. The directors of these agencies serve at the pleasure of the governor and are directly accountable to him or her. These entities are full-fledged agencies, have their own staff, are affiliated with no other agency and appear as distinct entities within the state budget.

Nebraska State Government Organization — Executive Branch*

Agencies Subject to Governor's Direct Control (Code Agencies)



*Source: Governor's Policy Research Office.

1 Divisions: Director's Office, Accounting, Budget, State Building, Employee Relations, Materiel, Nebraska Information Services (NIS), Office of the Chief Information Officer, Personnel, Risk Management, Transportation Services Bureau and Task Force for Building Renewal.

2 Commission on Law Enforcement and Criminal Justice.

3 Director holds the office of Adjutant General.

4 Director holds the constitutional office of Tax Commissioner.

Noncode Agencies

Noncode agencies are state government agencies not subject to the governor's direct control. All are full-fledged agencies, have their own staff, are affiliated with no other agency and also appear as distinct entities in the state budget.

Nebraska State Government Organization — Executive Branch*

Executive Agencies¹ Not Subject to Governor's Direct Control (Noncode Agencies)

Abstracters Board of Examiners	Accountability & Disclosure Commission	Accountancy, Board of Public	Advocacy, Commission on Public	Arts Council	Attorney General/ Justice Department	Auditor of Public Accounts	Barber Examiners, Board of	Blind & Visually Impaired, Commission for	Brand Committee	Colleges, Board of Trustees of State
Corn Board	Dairy Industrial Development Board, Nebraska	Deaf & Hard of Hearing, Commission for	Dry Bean Commission	Education, Department of 2	Education, Lands & Funds, Board of	Educational Telecommunications Commission	Electrical Board/Division, State	Engineers & Architects, Board of	Equal Opportunity Commission	Ethanol Board
Foster Care Review Board	Game & Parks Commission	Geologists, Board of	Grain Sorghum Board	Historical Society, State	Indian Affairs, Commission on	Industrial Relations, Commission of	Investment Council	Land Surveyors, Board of Examiners for	Landscape Architects, Board of	Library Commission
Lieutenant Governor	Liquor Control Commission	Mexican American Commission	Motor Vehicle Industry Licensing Board	Oil & Gas Conservation Commission	Parole, Board of/ Pardons, Board of	Post-secondary Education, Coordinating Commission for	Power Review Board	Public Service Commission	Racing Commission	Real Estate Appraiser Board
Real Estate Commission	Retirement Board, Public Employees	Secretary of State	Tax Equalization & Review Commission	Treasurer, State	University of Nebraska, Board of Regents	Wheat Board	Women, Commission on the Status of			

* Source: Governor's Policy Research Office.

¹Including elected officials' offices (in bold).

²Includes State Board of Education and Commissioner of Education (appointed by board).

★ Starred items are offices and agencies established in the Nebraska Constitution.

GLOSSARY OF LEGISLATIVE TERMS

Act — the proper term for a bill after it is enacted into law. Also, a term used to refer to a group of laws addressing a particular subject, such as the Nebraska Affordable Housing Act.

Amendment On File — an amendment of 10 or more pages, not printed separately or in the Journal, that is available in the Clerk's Office (Room 2018).

Amendment Printed Separate — an amendment of 10 or more pages, printed separately from the Journal, that is available in the Bill Room (Room 1104).

Appropriation Bill ("A" Bill) — a bill to appropriate funds to finance another bill bearing the same number.

Attorney General's Opinion — a written analysis of a question of law prepared by the attorney general for the governor, the head of an executive department or any state senator.

Biennium — the two-year period in which a single Legislature, such as the 101st Legislature, exists. Also, the two fiscal years for which a single Legislature does budget planning and makes appropriations.

Bill — also called a Legislative Bill (LB). A bill is a proposal to create, change or delete one or more laws. See Act.

Bracket — to delay consideration of a bill.

Call of the House — a procedure used to compel attendance of unexcused senators in the chamber. Any senator may move for a call of the house, and a majority of senators voting is required to place the house under call.

Carry-over Legislation — bills and resolutions introduced during the regular session in an odd-numbered year and held over for consideration during the regular session in an even-numbered year.

Chair — the presiding officer. The lieutenant governor or speaker normally serves as chair, but other senators also may preside. The senator presiding is said to be "in the chair."

Cloture — a parliamentary action to cease debate on a bill and vote immediately on its advancement. A motion for cloture may be made after full and fair debate on a bill at any stage of consideration, and it requires a two-thirds vote (33 votes) for adoption.

Committee on Committees — the select committee that proposes appointments of senators to other legislative committees at the beginning of each biennium.

Committee Statement — a statement indicating whether a committee voted to advance or kill a particular bill. Includes the roll call vote of committee members, a summary of the bill and any proposed committee amendments and a list of those who testified at the bill's hearing.

Constitutional Amendment Resolution — a proposal to amend the state constitution, ratify or reject an amendment to the U.S. Constitution or petition Congress about amending the U.S. Constitution. Resolutions proposing to amend the state constitution have the suffix "CA" after the resolution number and must be approved by Nebraska voters as well as the Legislature.

Correctly Engrossed — a term describing a bill that is reprinted for Final Reading with all adopted amendments incorporated.

Consent Calendar — a portion of the agenda in which relatively noncontroversial bills are considered and quickly advanced to the next legislative stage. Usually, a bill on consent calendar can be debated for no more than 15 minutes.

"E" Clause — see Emergency Clause.

E&R — see Enrollment and Review.

Emergency Clause ("E" Clause) — a provision allowing a bill or a portion of a bill to take effect immediately after the governor signs it or after an override of a governor's veto.

Engrossment — the process of preparing a bill for Final Reading by incorporating all adopted amendments.

Enrollment and Review (E&R) — the process of incorporating adopted amendments into a bill, reviewing the bill for technical and grammatical accuracy and making recommendations relative to arrangement, phraseology and correlation.

Enrollment and Review Initial (E&R for Review) — the Enrollment and Review process that a bill undergoes after it is advanced from General File.

Enrollment and Review Final (E&R for Engrossing) — the Enrollment and Review process that a bill undergoes after it is advanced from Select File. During this stage, the bill is engrossed and reprinted for Final Reading.

Executive Board of the Legislative Council — a nine-member special committee that oversees legislative services, personnel and other internal affairs of the Legislature. The Executive Board also serves as the Reference Committee.

Executive Session — a closed meeting of a committee to discuss and act on bills and resolutions. An executive session is open only to committee members, committee staff and the media.

Final Reading — the third and last stage at which a bill is considered by the entire Legislature. The clerk reads the entire bill aloud, unless final reading is waived, and senators vote, without debate, on whether to submit the bill to the governor.

Fiscal Note — a statement prepared by the Legislative Fiscal Office estimating the effect a bill would have on state and/or local expenditures and revenue.

Floor — the area of the legislative chamber where the senators sit. When a bill is advanced “to the floor,” that means the bill is being sent to the full Legislature for consideration.

General File — the first stage at which a bill is considered by the full Legislature. Bills on General File may be amended, returned to committee, indefinitely postponed or advanced to Select File.

Germane — relevant to the specific subject of the bill being considered. Any amendment that is not germane is out of order.

Hearing — a regularly scheduled committee meeting to receive public comment on proposed bills and resolutions.

History — see Legislative History.

House Under Call — the term used when all unexcused senators are required to be in their seats in the chamber and unauthorized personnel must leave the floor.

Indefinitely Postpone (IPP) — to kill a bill.

Initiative — the power of the people, through the petition process, to enact laws and adopt constitutional amendments independently of the Legislature.

Interim — the period between regular legislative sessions.

Interim Study Resolution — a resolution authorizing a committee to study an issue following adjournment of a legislative session.

Introducer's Statement of Intent — see Statement of Intent.

IPP — see Indefinitely Postpone.

Journal — see Legislative Journal.

Laid Over — term used to describe a motion or bill on which action has been postponed.

Laws of Nebraska (Session Laws) — bound compilation of all laws and constitutional amendment resolutions passed in a legislative session, the state constitution and subject and section indexes.

Legislative Council — a council consisting of all members of the Legislature. The Legislative Council examines information relating to state government and the general welfare of the state and recommends legislation.

Legislative History — the committee and floor debate records for any bill. A history includes transcripts of the bill's hearing and all floor debate, the introducer's statement of intent and the committee statement.

Legislative Journal — official record of legislative floor action, including all motions, the number of yeas and nays on each vote, how each senator voted on record votes, etc.

Line-Item Veto — the power of the governor to make specific reductions in any part of a budget bill passed by the Legislature. The Legislature may vote to override the veto.

Machine Vote — a vote taken by the electronic voting system. The voting board shows how each senator voted, but only vote totals are entered in the Legislative Journal.

Major Proposal — a bill or constitutional amendment resolution that the speaker designates as important enough for scheduling priority. Each session, up to five bills may be chosen as major proposals, all of which must be senator priority bills and must get the approval of two-thirds of the Executive Board.

One-liner — a brief, one-line description of a bill or resolution.

President of the Legislature — the lieutenant governor. While senators address the presiding officer as Mr. or Madame President, only the lieutenant governor holds that official title.

Presiding Officer — the president or the senator currently presiding over the Legislature.

Priority Bill — a bill that has priority status and generally is considered ahead of other bills in debate. Each senator may select one priority bill, each committee may select two priority bills and the speaker may select up to 25 priority bills.

Record Vote — a vote on which a record is kept of how each senator voted. The vote is taken by the electronic voting system, and the

senators' names and corresponding votes are then printed in the Legislative Journal.

Reference Committee — the committee, made up of the nine Executive Board members, that refers bills, resolutions and gubernatorial appointments to other committees.

Referendum — the power of the people, through the petition process, to repeal or amend any act, or part of an act, of the Legislature.

Regular Session — the annual legislative session that begins the first Wednesday after the first Monday in January. Regular sessions generally last 90 legislative days in odd-numbered years and 60 legislative days in even-numbered years.

Resolution — also known as a Legislative Resolution (LR), a proposal to make a formal expression of opinion, intent or recognition; amend the state or federal constitution; or authorize a study of an issue during the interim. See also Constitutional Amendment Resolution, Interim Study Resolution.

Revisor Bill — a bill, prepared by the Office of the Revisor of Statutes, proposing a technical correction or the repeal of an obsolete statute.

Roll Call Vote — a vote during which the senators vote one at a time as the clerk reads their names. Senators cast their votes verbally, and their names and corresponding votes are printed in the Legislative Journal.

Select Committee — a permanent committee with a subject-matter jurisdiction related to the administration of the Legislature.

Select File — the second stage at which a bill is considered by the entire Legislature. Bills on Select File may be amended, returned to committee, indefinitely postponed or advanced to Final Reading.

Session — a period of time, usually a number of days, during which the Legislature meets

and transacts business. See Regular Session, Special Session.

Session Laws — compilation of all laws and constitutional amendment resolutions passed in a session.

Sine Die — without setting a future date for reconvening. When the Legislature adjourns sine die, the legislative session is finished for the year.

Slip Law — a bill or constitutional amendment resolution printed individually in its approved form after being enacted into law or submitted to voters.

Speaker of the Legislature — the officer of the Legislature, elected from among the senators, who prepares the daily agenda and the session calendar and who presides in the absence of the lieutenant governor.

Special Committee — a committee created by law for a specific reason. Except for the Executive Board, special committees generally have no jurisdiction over bills or resolutions.

Special Session — a limited legislative session called for a specific purpose by the governor or two-thirds (33 members) of the Legislature.

Standing Committee — a permanent committee with a subject-matter jurisdiction related

to an area of public policy. Almost all bills and resolutions are referred to one of the 14 standing committees.

Statement of Intent — a statement, prepared by the sponsor of a bill, that briefly describes the bill and the reasons why it is being introduced.

Summary Sheet — a daily list of all legislative activity that has taken place in one legislative day, including action taken on bills and resolutions.

Veto — the power of the governor to reject bills passed by the Legislature. The governor has five days, excluding Sundays, to veto a bill. The Legislature may vote to override the veto.

Veto Override — the power of the Legislature to pass a bill over the governor's veto. A veto override requires the approval of three-fifths (30 members) of the Legislature.

Voice Vote — a vote in which senators cast their votes orally and no totals are recorded.

Worksheet — a list prepared daily that indicates the status of all bills and resolutions at the end of that legislative day.

TECHNOLOGY SERVICES

In order to facilitate the smooth operation of the legislative process and management of the legislative institution, a variety of technological services are provided to senators and their offices.

Office Computers, Equipment and Software

Each senator's office is equipped with a desktop computer for staff to use in support of the office's work. The computers are connected to the Legislature's network, providing access to the Internet and various servers containing legislative data and information.

Each desktop unit is equipped with a CD-ROM burner to facilitate data storage. The PCs run the Windows XP operating system and have Microsoft Small Business Edition software (Word, Excel, Outlook and PowerPoint) installed. Each office has a networked laser printer available. Users also may print to a color laser printer located in the Legislative Mail Room.

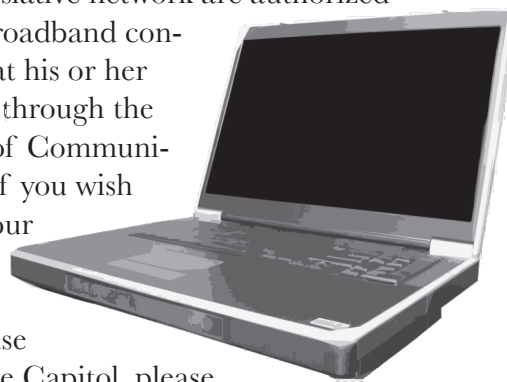
Executive Board policy does not permit the installation of hardware or software that is not approved by the Legislative Technology Center. If you have specific needs that are not met by existing technology hardware or software, please contact the Legislative Technology Center. In addition, the Executive Board has policies that specifically define the appropriate use of the legislative computer network.

Laptops

Each senator is provided a laptop for his or her legislative responsibilities. This laptop provides senators with network access to legislative data and information, as well as e-mail and office documents. The laptops have wireless capability and have separate CD/DVD players that can be checked out when needed. Senators may take their laptops to their office, but they should be

returned to the chamber when the Legislature is in session.

Laptops also may be taken home or used while traveling. Senators who wish to have access to the legislative network are authorized to have broadband connectivity at his or her residence through the Division of Communications. If you wish to have your laptop configured for use outside the Capitol, please contact the Legislative Technology Center at 1-2234.



Chamber Viewer

The Chamber Viewer is a custom-made computer browser-based application that provides legislative users with access to real-time legislative data and information during session. The Chamber Viewer system is directly tied into the computer systems in the chamber that help manage the legislative process on the floor.

During legislative debate, the Chamber Viewer system can be used to view bills, amendments, fiscal notes and various other legislative documents, and to help senators track the progress of bills during the body's deliberations. As amendments to bills are filed with the clerk, they are transmitted to legislators and staff so that they may review the language of the proposal in real time.

Training / Help Desk

Technology Center staff offer training opportunities and provide assistance through the Help Desk.

Training is available to senators and staff regarding legislative computers and the software

applications used within the legislative environment. Small classroom training and large group workshops are conducted throughout the year. Schedules will be available in advance. Notice is provided through interoffice mail, and posted on the legislature's intranet. Those wishing to take a class are requested to sign up with the Help Desk staff by calling 1-2234. Individualized instruction may be scheduled on an as-needed basis. Training packets for common tasks performed in this environment are available in the "Training" section of the UniNet under the heading of Technology Training.

If you need assistance while working in the chamber, Technology Center staff are often in the back of the legislative chamber. If they are not in the chamber at that time, please feel free to contact Dick Brown, the Assistant Clerk at the front of the chamber. A staff member will come to the chamber and assist you.

E-mail / Fax

Senators and staff have a legislative e-mail address. A senator's legislative e-mail address is not made available to the public unless the senator authorizes it. Except in very limited cases, legislative staff e-mail addresses are not posted on the Legislature's web site or publicized.

There is a limit on the size of e-mail attachments that can be processed through the Legislature's e-mail system. If in the course of doing business you need to e-mail a large attachment that fails to go over the Legislature's network, please contact the network administrator in the Technology Center at 1-2234 or the webmaster in the Information Office at 1-2788, who can advise and assist you.

Senators' offices also have access to a fax system that allows you to send and receive faxes through the Legislature's e-mail server. Each office is assigned a separate fax number to which incoming faxes are routed. The fax service must

also be authorized for use by the senator. To send a fax through the system, an e-mail with the necessary document(s) attached is sent to an address containing the recipient's fax number. Faxes that are received in offices may be viewed and printed through Microsoft Picture and Fax Viewer.

More detailed information on using the e-mail based fax system is available in the Training section of the UniNet under the heading of Technology Training.

Wireless Access

The state is in the process of implementing a wireless data network in the Capitol. Hotspots are available in several areas of the Capitol, including all legislative hearing rooms, the attorney general's conference room, the Law Library and the judicial meeting room on the third floor of the Capitol. Visitors will have access only to the public network for Internet access. Personal laptops belonging to senators will have access only to the public wireless network. Legislative laptops are the only computers that have wireless cards and can be configured to access the legislative network via the wireless network.

If you are interested in using the wireless feature, please contact the Technology Center at 1-2234.

Miscellaneous Services

Recording Press Actualities — Senators may use recording equipment to record audio press releases and radio actualities pertaining to legislative business. Those releases and actualities can be retrieved by local radio stations via the Legislature's web site. To use this service, contact the Help Desk at 1-2234 or the Information Office at 1-2788.

Scanning / PDF Documents — Senators may have documents scanned or converted into PDF form by contacting the Information Office at 1-2788. Please allow time for documents to be processed.

Web Page Maintenance — Each senator has a page that is part of NebraskaLegislature.gov, the legislature's public web site. Those pages contain

basic information including the senator's picture, contact information, biography and media releases. The Unicameral Information Office offers training to senators and staff wishing to provide content for their page. Legislative technology and public information staff cannot participate in the development and maintenance of web sites and pages outside the legislative environment related to political issues and campaigns.

PUBLIC INFORMATION

NebraskaLegislature.gov

The Clerk's Office provides Internet users with access to an abundance of information at NebraskaLegislature.gov, the Legislature's web site. The Unicameral Information Office manages the site's design and content and the Legislative Technology Center provides technical support and management of the site.

The site includes all introduced bills and resolutions under consideration, all Final Reading bills and resolutions, and all slip laws. These documents are provided using Adobe Acrobat Reader, which allows the user to see the same document that legislators and staff have at their disposal. Users can search for a bill or resolution by typing its number or by typing a word or phrase. These documents are generally updated on the web site daily.

The web site also includes:

- a searchable infobase of the Nebraska statutes and constitution;
- the daily Legislative Journal, which can be viewed using Adobe Acrobat Reader;
- proposed amendments to all legislation, updated daily;
- summaries of legislative activity and bill status information for all bills and resolutions;
- all statements of intent, committee statements and fiscal notes;
- the daily agenda;
- the session calendar;
- the daily worksheet and daily summary sheet;
- committee memberships, meeting dates and locations;
- weekly committee hearing schedules;
- photos, biographies and contact information for all state senators;

- maps of legislative districts;
- a photo tour of the Capitol, including both the Norris and Warner legislative chambers;
- the history of the Unicameral;
- a description of the legislative process;
- information about legislative divisions and major reports authored by them.

The site is the home of **UniCAM Live!**, live Internet video and audio coverage of all legislative floor proceedings.

Also contained on the site is *Unic@meral Update Online*, the web version of the *Unicameral Update*. The online *Update* provides daily coverage of legislative activities.

Additionally, the site houses the **Warner Institute for Education in Democracy**, an online learning resource for teachers and students interested in representative democracy.

UniNet

Legislators and staff have exclusive access to the UniNet, a legislative intranet that provides easier and quicker access to legislative information. The UniNet is managed by the Legislative Technology Center and the Unicameral Information Office under the auspices of the Clerk's Office, and is updated with information produced throughout the legislative environment.

The site includes the same legislative information as NebraskaLegislature.gov, plus added features:

- access to the National Conference of State Legislatures' web site for legislators and staff;
- access to the chamber viewer system;
- a roster of legislators and staff;
- informational documents about internal policies and operations;
- information about legislative divisions and offices;

- training and development tools;
- Newsbytes, a daily listing of online news stories of legislative interest.

The UniNet's Web address is: <http://uninet>.

Publications

Each week, during the legislative session, the Unicameral Information Office produces the *Unicameral Update*. The *Update* covers legislative activity, including stories on floor action and committee hearings. Each issue includes a weekly review of all legislative activity and educational and informational features.

Subscriptions to the print version of the *Update* are free. If you submit the name and address of a subscriber by Thursday, he or she will receive that current week's issue. In addition, requests for subscriptions or other information can be made by calling our 24-hour request line (402-471-2877).

Other items produced regularly by the Unicameral Information Office are:

- *A Look at Your Unicameral*, a booklet containing a short history of the Unicameral Legislature, senators' pictures and the steps of how a bill becomes law.
- *The Lines of Government*, a pamphlet containing maps indicating election boundaries for the Legislature, the Public Service Commission, the State Board of Education and Congress.
- *Nebraska Legislature, Members and Committees*, a card listing all of the senators, their phone numbers and home addresses. It also includes standing, select and special committee memberships.
- *Public Hearing Testimony in the Nebraska Legislature*, a brochure outlining the procedures for testifying at a public hearing on legislation being considered by committees.
- *Unicam Kids: A Student Guide to the Nebraska Legislature*, a booklet designed for students

in grades 4-6 that provides information about the Legislature and incorporates games to test readers' knowledge.

- *Poster*, an artistically-designed poster including pictures and addresses of all the senators.
- *A Citizen's Legislature*, a trifold color brochure discussing unicameralism and the citizen's role in the legislative process.

Warner Institute for Education in Democracy

The Nebraska Legislature decided in 1999 to help students understand the complexity and importance of representative democracy. Named for the late Senator Jerome Warner, the Warner Institute for Education in Democracy features individual civic education programs available to teachers and students across the state of Nebraska.

The Warner Institute provides a unique civic education program that is useful, helpful and beneficial for teachers, as well as interesting and instructive for the students. It is hoped that students who participate in any of the institute's programs will gain a greater understanding and appreciation for representative democracy and its role in our society.

Included in the Warner Institute's current array of programming are the following:

America's Legislators Back to School (all grade levels) – Legislators are encouraged to return to the classroom to help students understand the legislative process and build links between schools and state government. Support and materials for the program are provided through the Unicameral Information Office. The program is sponsored nationally by the National Conference of State Legislatures.

Project Citizen (grades 5-8 and 9-12) - Project Citizen is a curricular program that promotes competent and responsible participation in local and state government. The program allows classrooms of young people to work and advocate for a public policy of their choosing after researching and learning about the issues involved. The program culminates with a showcase at the Capitol during which the students demonstrate their projects for a team of judges. The program is sponsored nationally by the Center for Civic Education.

Unicam Kids (grades 4-6) - Unicam Kids is an educational web page with information about the history and processes of the Nebraska legis-

lature and biographies of senators. The site also has a puzzle and a quiz that tests students' knowledge of the process.

UniCAM Focus (grades 9-12) - UniCAM Focus uses web and video streaming technology to provide teachers with lessons to use in helping students gain insight into various themes about representative democracy in our state. Each lesson is intended to serve as a supplement to a teacher's civics curriculum, and is accompanied by exercises and streamed videos that help explain the concepts of representative government to students. Teachers can download and print a teacher's guide to assist them in using the lessons and exercises.